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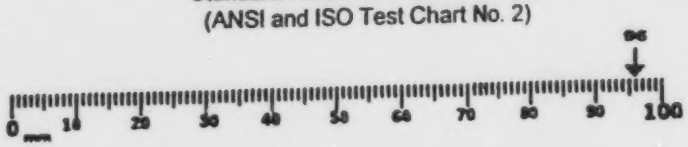

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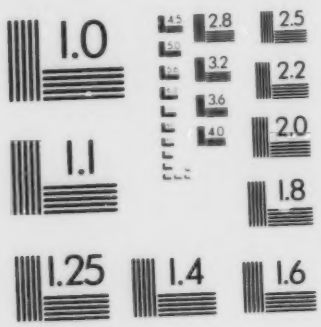

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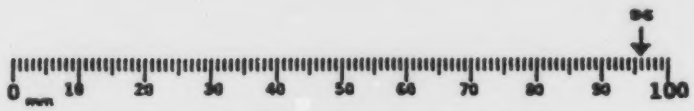

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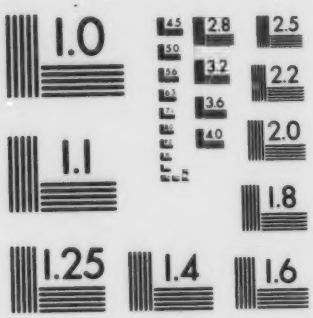

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TOWARDS A JUST, PEACEFUL AND SAFE SOCIETY

The Corrections and Conditional Release Act Five Years Later

Canada

102-04158/

TOWARDS A JUST, PEACEFUL AND SAFE SOCIETY

CONSOLIDATED REPORT

The Corrections and Conditional Release Act Five Years Later

Report of the CCRA Working Group

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1. EXECUTIVE SUMMARY

1.1 Legislative Requirement

Section 233 of the *Corrections and Conditional Release Act* (CCRA) states:

Five years after the coming into force of this Act, a comprehensive review of the provisions and operations of this Act shall be undertaken by such Committee of the House of Commons, or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

Section 232 of the CCRA states:

Three years after the coming into force of sections 129 to 132, a comprehensive review of the operations of those sections shall be undertaken by such Committee of the House of Commons as may be designated or established by the House of Commons for that purpose.

The CCRA was proclaimed into force in November 1992, creating the need for comprehensive information on the provisions and operations of the Act for November, 1997. Review of sections 129 to 132, commonly known as the detention provisions has been incorporated with this report, permitting the review of detention in the broader context of review of the CCRA.

1.2 Purpose Of Report

This report provides detailed information on the provisions of the CCRA and related issues to support review of the Act by a parliamentary committee.

1.3 Background

Modern corrections began to evolve in Upper and Lower Canada 30 years before Confederation, as discussion flourished about reformative corrections. When the *Penitentiary Act* was introduced in 1868, however, Canada's correctional system looked very different than it does today. Three penitentiaries housed about 1000 inmates, while local jails and a handful of reformatories held offenders serving shorter sentences or accused persons awaiting trial. Custodial conditions were harsh, programs non-existent, and parole unknown.

As the country developed, so too did the correctional system. The number of penitentiaries grew to five by turn of the century accompanied in 1899 by introduction of the forerunner to the modern parole system known as the *Ticket of Leave Act*. The next 50 years witnessed continuing growth in the correctional system, and numerous reviews of correctional operations, but rather limited legislative reform. In fact, the next major legislative change did not occur until 1959, when the *Parole Act* was introduced.

The *Penitentiary Act* and the *Parole Act* – the cornerstones of federal corrections - evolved in a piecemeal fashion throughout the 1960's and 1970's. Many amendments were placed in Regulations rather than in the Acts, and the Office of the Correctional Investigator (OCI) was established pursuant to Part II of the federal *Inquiries Act* to allow for independent investigation of inmate complaints. During this period, growth in federal corrections and greater public concern over crime and safety contributed to the establishment of the Ministry of the Solicitor General and assigned to the Solicitor General of Canada, responsibility for federal leadership in policing, security, corrections and conditional release.

With the dramatic increase in litigation in the 1980's, the courts exerted considerable influence on legislative development, creating frequent pressures to amend the Acts and Regulations. Public concern over crime persisted during this period, resulting, in part, in the introduction of the detention provisions to the *Parole Act* in 1986. In this period, the government embarked on an ambitious program of criminal justice reform in an attempt to restore public confidence in the justice system. The Correctional Law Review was central to the process of reform, laying the foundation for the government green paper entitled "Directions For Reform".

Following extensive consultation on the "Directions" paper, the government introduced the *Corrections and Conditional Release Act* on November 1, 1992. This Act replaced the *Penitentiary Act* and the *Parole Act* with a comprehensive framework for corrections and conditional release. It also incorporated the Office of the Correctional Investigator as an ombudsman for federal offenders within Part III of the legislation. Court judgements with relevance were incorporated in CCRA provisions. Research findings were used as a foundation, Charter rights and responsibilities were articulated, and the rule of law was affirmed. Victims' rights and concerns were reflected, and the special needs of Aboriginal offenders, women offenders, and others were recognized. The sense of common purpose was emphasized through statements of purpose and principles which integrate corrections and conditional release.

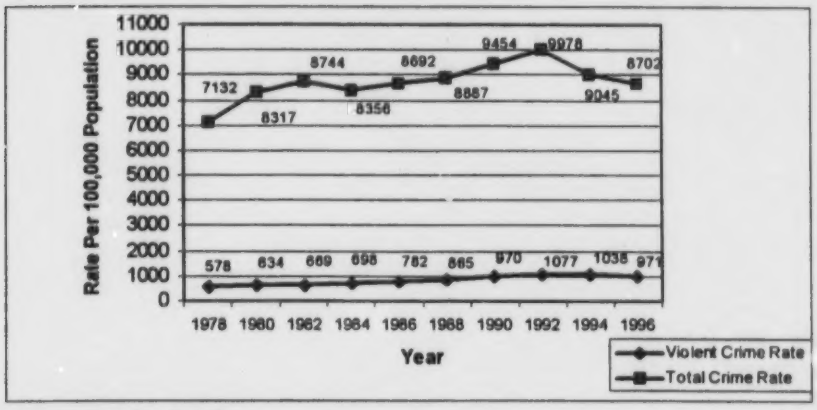
The CCRA has been amended twice since 1992. In 1996, revisions were made to provisions involving statutory release and detention, and to sentence calculation. In 1997, changes were made to provisions involving day parole eligibility and accelerated parole review, along with post-warrant expiry supervision for long-term offenders.

1.4 The CCRA in Context

The CCRA was the culmination of years of work, the integration of diverse challenges, opportunities and perspectives. The following are considered as factors influencing the development of the CCRA.

Crime Rates: The 15-year period leading to the CCRA demonstrated considerable growth in crime rates in Canada. The total crime rate rose by about 40%. Rates of property crime, and other *Criminal Code* incidents per 100,000 population rose by 28% and 52% respectively. The largest increase, however, involved rates of violent crime (86%). While rates of violent crime increased substantially, this type of crime remained a small proportion (about 10%) of all reported criminal incidents in Canada. Increases in crime rates, especially violent crime, and media coverage of tragic incidents involving offenders on conditional release created widespread pressure for the justice system, and in particular corrections and conditional release, to deal more effectively with high risk, violent offenders. Crime rates have declined steadily since 1992, including a 10% decline in the rate of violent crime.

FIGURE A
SELECTED CRIME RATES PER 100,000 POPULATION



Source: Statistics Canada

Law And Order Agenda: Throughout the late 1970s and 1980s, Canadians expressed growing fear of crime, and concerns for public safety. Public opinion surveys showed that Canadians had diminishing confidence in the criminal justice system as a result of reports of inconsistent sentencing, tragic incidents involving offenders on conditional release, and violent crimes by repeat offenders. Canadians had little understanding of the criteria for sentencing or parole, or the purpose of corrections and conditional release. Surveys also showed that many Canadians (88%) felt that Canada must maintain a fair and effective justice system, and even more (95%) felt that the law needed to be reviewed, and updated to reflect the impact of a changing society. Public concerns over justice and community safety fostered a federal law and order agenda. Reform of law related to corrections and conditional release was perceived as a focal point for law and order.

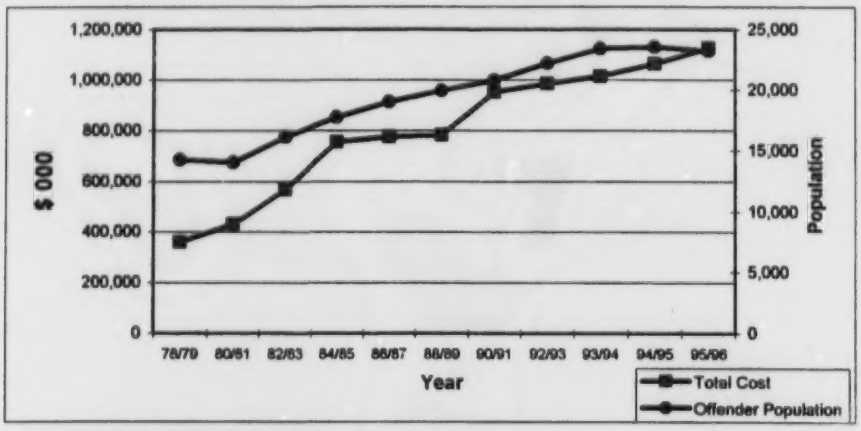
Victims Of Crime: Public pressure mounted during the 1980s for formal recognition of the role of victims in the administration of justice, and for development of services to meet victims' needs. Diverse initiatives were launched including principles for services for victims of crime, police-based victim services, victim compensation programs, and court-based programs for victim impact statements. Access to information about offenders, and particularly information about conditional release of offenders was identified as a priority by victims' groups and the public.

Aboriginal Justice: In the years leading up to the CCRA, research had demonstrated persistent Aboriginal over-representation at all levels of the justice system. Data had shown that Aboriginal offenders were more likely than non-aboriginals to be serving their sentence in an institution than in the community. If released, Aboriginal offenders were more likely to be released on mandatory supervision than on parole. Aboriginal offenders were also more likely than non-aboriginals to have their conditional release revoked for a breach of conditions. Greater recognition and understanding of Aboriginal community issues, and Aboriginal cultures and traditions were identified as crucial in addressing these concerns. While issues of over-representation presented serious challenges, there was also extensive interest in Aboriginal self-government, a separate justice system, and strategies for supporting the development of Aboriginal communities. Revised legal frameworks, and jurisdictional arrangements were central to Aboriginal proposals for legislative reform.

Federal Offender Population: Long-term increases in crime were accompanied by growth in the costs of corrections and the federal offender population. From 1978/79 to 1992/93, federal expenditures for corrections and conditional release grew by 172%, or at a rate of about 11% annually. In comparison, the federal offender population rose by about 56%, for an average annual growth rate of 4%. In the post - CCRA years, expenditures continued to rise, growing by 15% from 1992/93 to 1995/96, or at an annual rate of about

4%. The offender population remained steady in this period. CSC consistently accounted for about 98% of annual expenditures, and NPB accounted for about 2%. Federal expenditures grew most rapidly in the 1980s, coincidental with government programs of deficit reduction and restraint, resulting in significant pressures for enhanced effectiveness and efficiency in federal corrections and conditional release. As program expenditures continued to rise in the post-CCRA period, there was much debate of alternatives to incarceration for non-violent offenders, and for community-based crime prevention initiatives.

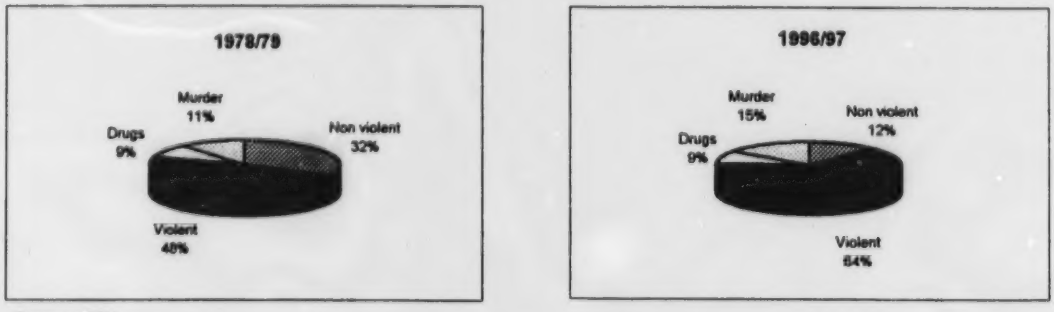
FIGURE B
FEDERAL EXPENDITURES ON CORRECTIONS AND CONDITIONAL RELEASE AND FEDERAL OFFENDER POPULATIONS



Source: Statistics Canada and OMS

Growth in the size of the federal offender population was accompanied by shifts in the offence profile of incarcerated offenders. In particular, the proportion of offenders incarcerated for a violent offence excluding murder, rose from 48% of the total to 64%, while offenders incarcerated for a non-violent offence declined from 32% to 12%.

FIGURE C
OFFENCE PROFILE- INCARCERATED OFFENDERS



Source: EIS

1.5 Legislative Intent

The CCRA developed in a dynamic environment characterized by rising crime rates and fear of crime, concern for victims and for Aboriginal justice, and growth in offender populations and costs. Against this backdrop, the CCRA was portrayed as a tightening-up of corrections and conditional release designed to restore public confidence in the justice system. Legislative reform followed four thematic lines:

- public safety and reintegration;
- openness and accountability;
- fair processes and equitable decisions; and
- special groups, special needs.

Public Safety and Reintegration: The CCRA identified risk of reoffending as the dominant criterion in conditional release decision-making. The Act introduced numerous measures to demonstrate the emphasis that was to be placed on public safety and risk assessment, and in particular, risk assessment for violent offenders. The Act required classification of offenders by CSC in three categories of risk (maximum, medium or minimum) based on individual risk assessment, and prohibited offenders classified as maximum security from eligibility for unescorted temporary absences (UTAs). NPB retained authority to approve UTAs for offenders serving a life sentence or an indeterminate sentence, for offenders sentenced for a violent offence (schedule I), and for offenders referred for detention. The Act also defined UTAs to emphasize their value as tools to support correctional treatment, and highlighted the need to link UTAs to correctional purposes.

Timely, reliable information about offenders was identified as critical for effective risk assessment. The Act recognized the importance of information flow across the justice system, requiring CSC to take all reasonable steps to obtain relevant information, including reasons for sentence, recommendations of the sentencing court, and young offender information. NPB was required to establish measures for ensuring that all relevant information for risk assessment and decision-making is considered by Board members.

The day parole program underwent significant change with the CCRA. Its purpose was clarified to specify its use as preparation for release on full parole or statutory release. Eligibility for day parole was moved to six months before full parole eligibility, as opposed to the one-sixth point of the sentence prior to the CCRA. This was expected to result in offenders with sentences of more than three years serving longer periods in institutions prior to day parole eligibility. The CCRA also required offenders to apply for day parole as opposed to the process of automatic review by NPB, which was in place prior to the new Act.

Reform of full parole reflected concerns for public safety. The CCRA provided sentencing judges with the authority to set full parole eligibility at one-half of sentence for violent and serious drug offenders, where warranted by the circumstances of the offence. Case-specific risk assessment was emphasized for violent offenders. The CCRA introduced accelerated parole review (APR) in which first-time, non-violent federal offenders were to be directed to release on full parole after determination that they did not pose a risk of violent reoffending prior to warrant expiry.

The CCRA abolished remission of sentence and mandatory supervision, and replaced them with statutory release (SR) at the two-thirds point of the sentence. Detention, therefore, became a mechanism for managing offenders who were assessed as posing imminent danger of serious, violent reoffending, and who were approaching automatic release at the two-thirds point in the sentence. The list of violent offences (schedule I) used as a criterion for referral for detention was expanded to include additional sexual offences. Schedule II (serious drug offences) was added to the Act in recognition of public concern over the importation and trafficking of drugs, and their links to organized crime. Offenders convicted of serious drug offences could also be referred for detention.

The CCRA clarified post-release interventions. Criteria for suspension, termination and revocation of conditional release were made specific. Offenders revoked on SR became ineligible for subsequent release on SR for six months, or two-thirds of the remainder of the sentence, whichever is longer. The CCRA also recognized the benefit from quality programs to assist offenders with community reintegration. Areas identified as critical for effective treatment strategies included: drug and alcohol abuse; living skills; mental disorders; and violent sexual reoffending.

Openness and Accountability: Restoration of public confidence, and better public understanding of corrections and conditional release required greater openness and accountability for CSC and NPB. Statements of purpose and principles, and clear criteria for parole were identified as important aspects of openness and accountability. In this context, the CCRA recognized the interests of victims in corrections and conditional release processes, and the need for accountability to victims in these processes. The Act reinforced measures for collection and use of information from victims, and established provisions for the release of information to victims by CSC and NPB. The Act also provided NPB with authority to permit observers at hearings.

The Act provided access to conditional release decisions, and reasons for decisions through the NPB decision registry. Case specific information is provided to those with an interest in the case (e.g. victims or their representatives, the media). The registry also provides access to decision information for research purposes; however, for research, the specific decisions and reasons for decisions are stripped of personal identifiers. The CCRA also recognized the need for a competent and professional workforce in CSC and NPB, and the critical role played by employees in the attainment of the purpose and principles outlined in the Act.

Fair Processes and Equitable Decisions: The CCRA recognized the need to foster and support fairness, equity, timeliness and effectiveness in processes involving offenders. Legislated statements of purpose and principles were perceived as critical for fairness and equity. These statements were reinforced through legislative provisions, which provided clear criteria to govern decisions concerning institutional placement, transfer and administrative segregation. Direction was provided for institutional staff and staff of community-based residential centres in performing searches and seizures, consistent with the *Charter*, and institutional requirements for safety and investigation.

The disciplinary process was clarified to provide a sound structure for dealing with disciplinary offences, including a range of sanctions such as restitution, and extra duties designed to increase offenders' responsibilities for their actions. The Act called for the creation of grievance procedures at every penitentiary, and access to these procedures for every offender. The Act also created requirements for disclosure to offenders of all information relevant to decision-making affecting their liberty or other significant interests, and for provision of an opportunity to respond. The Act also gave formal recognition to the Office of the Correctional Investigator as an ombudsman for federal offenders.

Special Groups, Special Needs: Prior to the CCRA, some women's groups and other organizations criticized the correctional system for apparent disparity in program availability, and institutional placement for women offenders. Through the CCRA, programs and services suited to the needs of women offenders were recognized as a priority. In addition, the Act introduced provisions which require that availability of programs, proximity to family, community support, and security classification be considered in any decision for offender placement or transfer.

The CCRA endorsed greater Aboriginal involvement in, and control over matters affecting Aboriginal offenders, enabling CSC to enter into agreements with Aboriginal communities, and Aboriginal correctional authorities for control and custody of Aboriginal offenders. CCRA provisions also ensured that culturally sensitive policies and programs would be available for Aboriginal offenders, and that Aboriginal spirituality and spiritual leaders would be accorded the same status, and privileges as other religions and religious leaders.

Quality health services for federal offenders were also a priority in the CCRA. The Act reinforced the notion that all inmates should have access to essential health care. Recognizing the number of inmates who suffer from mental health problems, the legislation also guarantees reasonable access to mental health care.

1.6.1 Public Safety And Reintegration

This section discusses findings on legislative implementation and operations in 5 key areas:

- Pre-release issues;
- Interim release programs;
- Day parole;
- Full parole; and
- Statutory release and detention.

Pre-Release Issues

Information About Offenders: The CCRA (s. 23) requires CSC to make all reasonable efforts to obtain information (including young offender information) for all offenders sentenced, committed or transferred to penitentiary as soon as practicable. The *Criminal Code* (Sections 726.2 and 743.2) requires a sentencing court to give reasons for sentence and to forward to CSC its reasons and recommendations relating to the sentence, any relevant reports, and any other information relevant to administering the sentence.

Formal information sharing agreements have been signed with 9 provinces and informal arrangements have been made with other jurisdictions. Annual costs for information sharing agreements have been in the $500,000 range. Difficulties have been experienced with the timeliness of information received, and in some instances with the verification of the existence of information. Young offender information, which is especially important for APR cases, continues to present difficulties. One snapshot of the availability of information for CSC 4 months after admission indicated high levels of availability in most areas. Finger Print System records (FPS), however, appeared to pose a problem.

Type of Information	% Available
Post-sentence Community Assessement	86%
Judge's Comments	84%
FPS Record	51%
Police Reports	94%

Source: OMS

Although CSC has been experiencing difficulty with the timeliness of information, data from the study indicate that information from outside sources is usually timely for NPB decision-making.

Security Classification Of Inmates: The CCRA (s. 30) requires classification of offenders in three categories (maximum, medium, minimum) based on individual risk assessment. Consistent with the intent of the CCRA, offenders are receiving a security classification on admission to prison. Results indicate that the initial security level determined by CSC (Custody Rating Scale) is associated with institutional behaviour, discretionary release and return to custody after release. Maximum security rated offenders are most likely to have security incidents while in the institution, are less likely to be granted a discretionary release, and are more likely to have a conditional release revoked. Development of research-based tools for subsequent security reclassification based on institutional performance is underway.

In August 1997, 67% of offenders had a custody rating scale (CRS) and this was an increase from 48% in 1995. Not all offenders will have a CRS on file until the entire population turns over, which will not occur for

some time because of lengthy determinate sentences and indeterminate sentences. Approximatively three-quarters of inmates are placed in an institution with a security level consistent with their CRS rating. In most regions, this has been increasing with reduced use of overrides. The most common form of override is to place an offender in a higher level of security than that indicated by the CRS.

Judicial Determination Of Parole Eligibility: The CCRA (s. 203) allows judges to lengthen the time that offenders who have committed violent or serious drug offences must serve in custody prior to parole eligibility (i.e. parole eligibility may be set at one-half of sentence or ten years whichever is less). With the CCRA, if an offender's parole eligibility is set through judicial determination, this offender became ineligible for accelerated parole review (APR) for full parole. With implementation of Bill C-55, judicially determined parole eligibility resulted in ineligibility for APR for day parole at one-sixth of sentence.

Review of judicial determination indicates that these provisions have been applied in about 4% of potential cases since the CCRA. Consistent with legislative planning, they are being used to target violent offenders, as defined by schedule I of the CCRA. They are being used to a lesser degree, for serious drug offenders as defined by schedule II of the Act.

USE OF JUDICIAL DETERMINATION BY OFFENCE TYPE SINCE 1992			
Offence Type	**Judicial Determination**	**No Judicial Determination**	**Total**
Schedule I	559 (3.9%)	13,653 (96.1%)	14,212 (100%)
Schedule II	73 (1.8%)	3,886 (98.2%)	3,959 (100%)
Total I and II	632 (3.5%)	17,539 (96.5%)	18,171 (100%)

Source: OMS

Offenders who had their parole eligibility set through judicial determination were less likely to be released on parole and more likely to be released on SR than offenders who did not have judicially determined parole eligibility. Offenders with judicially determined parole eligibility were twice as likely to be detained than offenders whose eligibility was not set through judicial determination. Aboriginal offenders represented about 17% of the judicial determination group, and 15% of the federal incarcerated population.

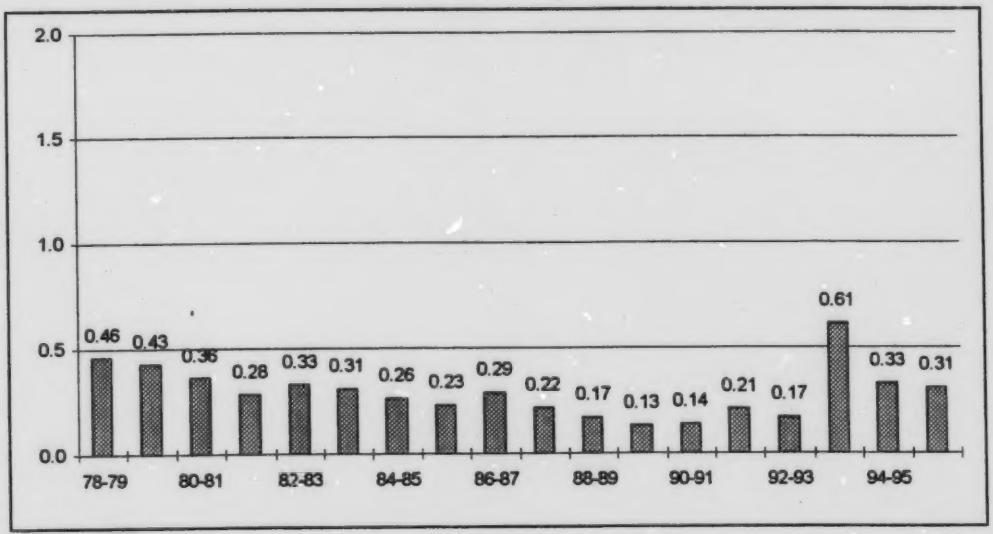
CONDITIONAL RELEASE TRENDS - SCHEDULED OFFENDERS WITH/WITHOUT JUDICIAL DETERMINATION								
	TYPE OF FIRST RELEASE						**DETAINED**	
	Day Parole		**Full Parole**		**Stat. Release**			**Ratio to Releases**
Offenders	**#**	**%**	**#**	**%**	**#**	**%**	**#**	
Judicial Determination	26	16	25	15	115	69	57	1 to 3
No Judicial Determination	1475	16	4398	48	3347	36	1653	1 to 6

Source: OMS

Interim Release Programs: Temporary absence programs (TAs) provide opportunities for federal offenders to be released to the community for short periods, ranging from a few hours to a few days, or longer in special circumstances. The CCRA specified six purposes for TAs: medical; compassionate; administrative; community service; family contact; and personal development. TAs were characterized as valuable tools for treatment and programming in the community. Work releases were created to permit offenders to work in the community for short periods, due to the elimination of day parole for this purpose.

The timing and purposes of TAs and work releases have generally been consistent with the law. There are indications that TAs and work releases have been used to support correctional planning and reintegration. There has also been a positive correlation between success on TAs and work releases, and success on subsequent conditional releases. Success rates for TAs are very high, about 99%. That is, less than 1% of TAs result in failure each year. TAs are considered failures if the offender becomes unlawfully at large (UAL), detained by the police, or breaches a condition of the TA (e.g. abstain from intoxicants).

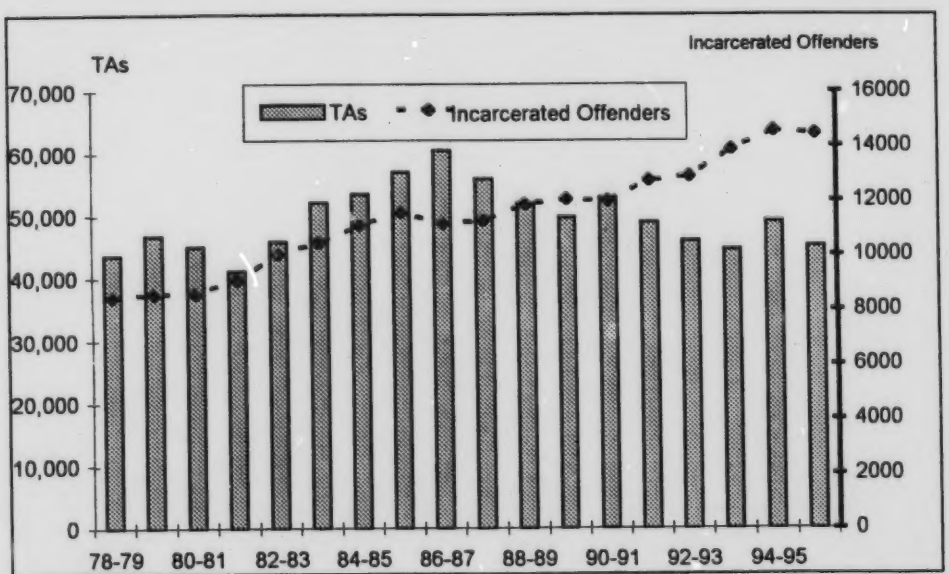
FIGURE D
FAILURE RATE FOR TAs - BY FISCAL YEAR



Source: OMS

TA use began to decline before the CCRA, and this trend continued in the post-CCRA years, dropping from a high of over 60,000 in 1986/87 to about 46,000 in 1995/96. From 1990/91 to 1995/96, escorted temporary absences (ETAs) decreased by 22%, and UTAs decreased by 46%.

FIGURE E
NUMBER OF TAs AND THE INCARCERATED POPULATION



Source: OMS

Factors influencing the decline in TAs are diverse, and their impacts are difficult to specify. Certain provisions of the Act were expected to have an impact on the TA program. For example, the CCRA

introduced the work release program that was expected to reduce the number of reintegration TAs. Each year, about 300 offenders participate in work releases, indicating that this program has had limited impact on TAs.

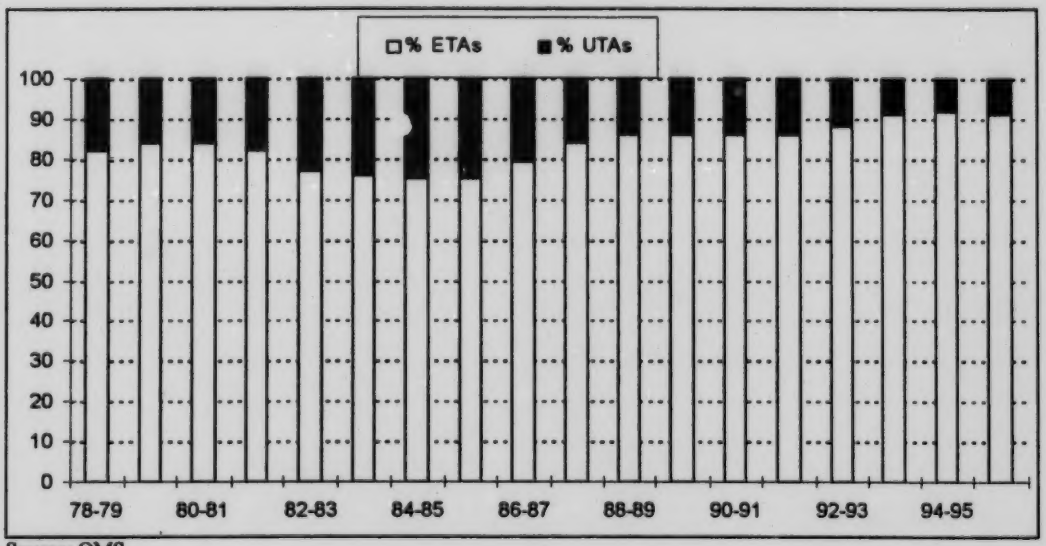
Prior to the CCRA, socialization TAs accounted for 35% of all ETAs, and 25% of UTAs. Socialization was very broadly defined, and could include anything from shopping to recreation. The CCRA eliminated socialization as a purpose for TAs, emphasizing the need for linking TAs with correctional plans, programming and treatment. The elimination of socialization TAs was probably one of the main reasons for reduced use of TAs.

It appears that the APR provisions of the CCRA influenced the TA program in ways that were not anticipated in legislative planning. The APR provisions apparently reduced the number of low risk offenders in institutions, and the amount of time these offenders were incarcerated prior to release on full parole, and, therefore, the extent to which these offenders participated in TA programs, particularly TAs for reintegration. The introduction of APR for day parole, and release of eligible cases at one-sixth of sentence (Bill C-55) could contribute to additional reductions in TA use.

Another factor influencing the TA program in unexpected ways appears to be the increasingly violent offence profile of the offender population. By 1995/96, almost 8 of every 10 offenders in institutions were incarcerated for a violent offence (schedule I, murder). For example, the offence profiles of Aboriginal offenders, which generally involve high rates of violent offending, may have contributed to under-representation of Aboriginal offenders in the TA program.

Decline in the number of TAs was accompanied by shifts in the percentage distribution for escorted and unescorted TAs. Prior to the CCRA, ETAs represented 80% to 85% of all TAs. After the Act, ETAs grew to over 90% of all TAs. This trend was accompanied by a decline (almost 50%) in the use of community volunteers as escorts and an increase in the use of CSC staff.

FIGURE F
ETAs AND UTAs BY FISCAL YEAR



Source: OMS

Work Release Program: Work release (s. 18) provides opportunities for offenders to work away from the institution under supervision, but generally requires a return to custody, or halfway house each night. Authority for work releases rests with CSC. The criteria for work releases make them similar to temporary

absences. The length of work releases (60 days with opportunity for renewal) makes them similar to day parole.

Prior to the CCRA, day parole could be used to allow offenders to work on community projects. The CCRA revised the purpose of day parole so that it became preparation for release on full parole or SR. As a result, a new program was required for participation in community work projects and seasonal employment opportunities.

Based on information for 1994/95 and 1995/96, there were about 800 work release departures by about 300 offenders annually. Prior to the CCRA, there were about 350 day paroles each year for purposes similar to work releases.

WORK RELEASES AND OFFENDERS GRANTED WORK RELEASES

	Work Releases	Offenders	% of Incarc. Pop.
1993/94	2,165[1]	300	2%
1994/95	742	286	2%
1995/96	844	315	2%
Total	**3,751**	**901**	

[1] Work release totals for 1993/94 reflect different counting methods. Source: OMS

A sample of 223 cases was reviewed to determine how work release was being used. The review indicated that work releases, although not strictly required to meet correctional goals did, in fact, address a number of these goals for offenders. The most common form of release after the work release was day parole (51% of cases). Full parole followed work release in 14% of these cases, and SR followed work releases in 33% of cases. For offenders who received a full release following a work release, about 43% were released on full parole, and 57% were released on SR. Overall, 65% of offenders who had received a work release prior to another form of release were still in the community 2 years after their release. Of the remaining 35% of work release cases, 24% had been readmitted for violations of conditions of parole or SR. New offences were committed by 11% of offenders, and violent offences were committed by 6%.

Conditional Release And Detention

Programs of conditional release are based on the premise that supervised transition from prison to the community contributes to public safety. There is considerable evidence that this premise is accurate. In particular, the process of selection for parole based on case specific risk assessment and decision-making (e.g. regular full parole) is effective in identifying offenders who will successfully reintegrate in the community before and after warrant expiry.

Detention recognizes that conditional release is not viable for certain offenders - that these offenders present imminent danger of serious violence or a serious drug offence. For these offenders, detention is necessary to prevent serious reoffending before the end of sentence. Nevertheless, the decision to detain is complex. It provides short-term protection for the public, but long-term information indicates that detained offenders appear to have noteworthy levels of post-warrant expiry recidivism. Further, the group of offenders from which offenders are generally referred for detention (i.e. offenders approaching release on SR) demonstrate relatively high levels of recidivism, emphasizing the need for effective risk assessment tools to differentiate, within the high risk group, offenders who should be detained or released on SR.

Day Parole: There are three degrees of release to the community for offenders who have been serving a sentence in prison. There is release at the end of the sentence in which the offender returns to the community with no supervision or support for the change from prison to street life. An offender who is released at warrant expiry after being detained exemplifies this type of release. The next degree is full release to supervision, either full parole or SR. This type of release provides the correctional system with the

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opportunity to monitor the behaviour of the offenders, provide services to meet their needs, and reduce the likelihood of a return to prison. The third degree – day parole (s. 99, 119 and 122), usually to a halfway house - provides the greatest level of supervision during transition from the prison environment to life on the street.

The NPB is responsible for deciding on the release of offenders on day parole. Staff from CSC prepare the offender's case for NPB to review, and provide recommendations for the Board. Day parole has been a release option for federally sentenced offenders in Canada since 1969. The CCRA (1992) made three major changes to day parole:

1. the purpose of day parole was revised. Previous legislation permitted a variety of purposes for day parole, including community work. The CCRA defined day parole as preparation for full parole or SR.

2. eligibility for day parole was changed from one-sixth of the sentence to six months before full parole eligibility.

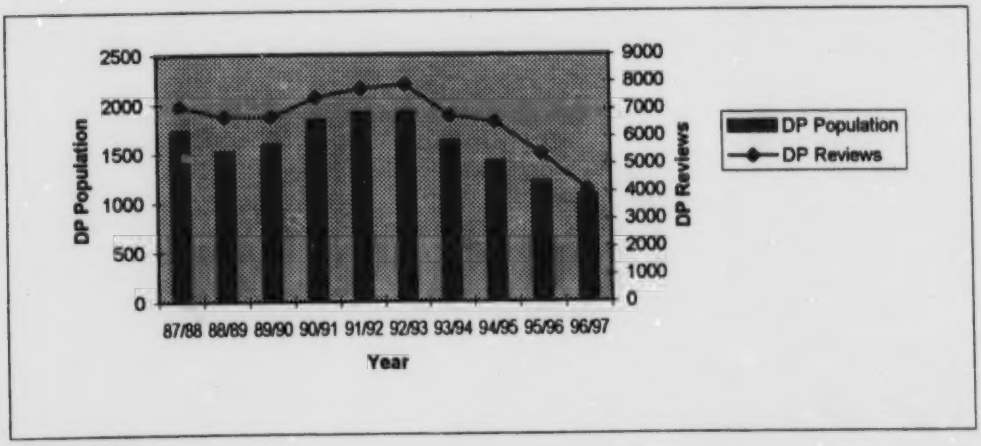
3. automatic review by NPB for day parole was discontinued. Offenders have to apply in writing for a day parole review.

Delivery of the day parole program appears to have evolved as anticipated during legislative planning. For example, there is evidence that day parole is consistently being used as preparation for full parole or SR, as prescribed by the Act. In addition, there is a positive correlation between participation in day parole and success on subsequent releases. There are also clear indications that the day parole program is contributing to public safety and reintegration. Success rates for day parole have increased steadily (to 96%) since the CCRA, and rates of recidivism, including violent recidivism have declined. Revocations of day parole for a new offence, and for a new violent offence have declined - by over 70%.

On average, offenders are serving slightly longer periods of incarceration before first release on day parole, but this was expected when the CCRA shifted day parole eligibility from one-sixth of sentence to 6 months before full parole eligibility. Legislative planning for the CCRA also identified a potential reduction of 360 to 400 in annual day parole populations based on revised legislative provisions. By 1996/97, however, the annual day parole population had declined by about twice the expected level. Specific factors leading to this decline could not be identified. It is clear, however, that anticipated and unanticipated factors worked collectively to exert significant influence on the day parole population.

The introduction of 60 day personal development UTAs and work releases contributed to a reduction in annual day parole releases. Shifts in the timing of day parole eligibility and the purpose of day parole appear to have reduced program use, as intended. Unexpectedly, however, large proportions of offenders eligible for day parole chose not to apply, leading to a 46% decline in annual day parole reviews (pre-release) carried-out by NPB. In particular, significant numbers of offenders eligible for APR chose not to apply for day parole, apparently preferring to be assessed for release against the APR criterion of violent recidivism, as opposed to assessment against the broader test of general recidivism for day parole.

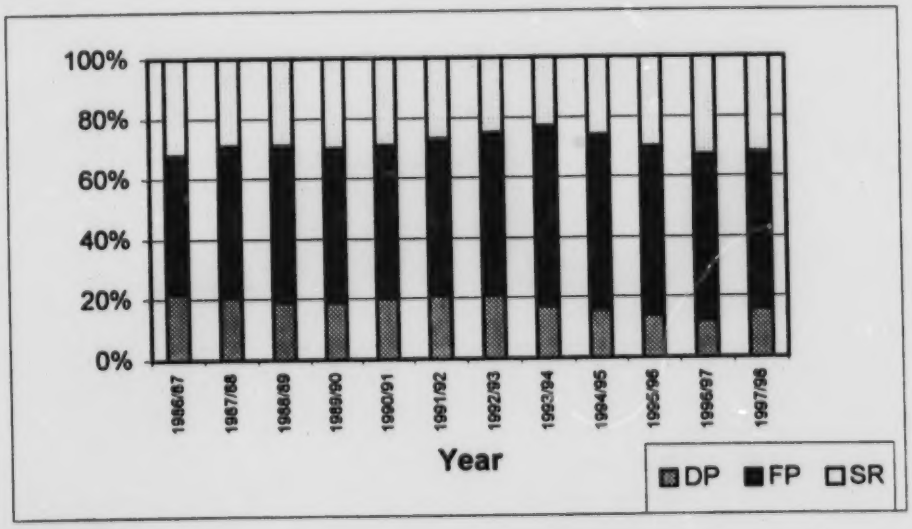
FIGURE G
FEDERAL DAY PAROLE REVIEWS
AND THE FEDERAL DAY PAROLE POPULATION



Source: OMS

Full Parole: Full parole (s. 120-124, 128) is a crucial element of conditional release. It is designed to provide an opportunity for offenders to serve up to two-thirds of their sentence in the community, subject to a decision by NPB. Full parole accounts for the largest proportion of the annual federal conditional release population, (50% to 60%) and therefore, is pivotal to public safety and reintegration.

FIGURE H
DISTRIBUTION OF FEDERAL CONDITIONAL RELEASE POPULATION



Source: OMS

Reform of full parole through the CCRA reflected widespread concerns for public safety, and the need to focus efforts on violent offenders. Rigorous, case-specific risk assessment was emphasized in considering parole for offenders with a history of violence. For non-violent offenders, however, an alternative was developed - accelerated parole review (APR). APR was designed to provide a more efficient parole review

process, and, as such, to reduce the incarcerated population and related costs. The APR provisions as set out in 1992, did not provide for earlier release on parole, but rather provided a process intended to ensure that eligible offenders would be released on full parole at their full parole eligibility date (FPED).

Accelerated Parole Review: All offenders serving their first federal sentence who have not been sentenced for a violent offence (schedule I, murder), or for a serious drug offence (schedule II) for which the judge set the parole eligibility at one half of sentence must have their parole reviewed by the Board using the APR process and criteria. Through this process, CSC must review and refer the case of any offender eligible for APR to the Board, at least three months prior to the offender's full parole eligibility date (FPED). The Board must conduct a review using all available information including social and criminal history (with young offender information, if appropriate) and behaviour while in custody. Of particular importance is any information which suggests a potential for violent behaviour prior to the end of sentence.

The NPB conducts a file review no later than seven weeks before the offender's FPED. If there is no information to indicate that the offender is likely to commit a violent offence before the end of sentence, the NPB must direct CSC to release the offender at FPED. Following the file review, if the Board does not direct the release of the offender, a hearing must be held for the offender before FPED, using the same criterion as for the paper review, that is, the likelihood for violent reoffending.

The APR process differs from the normal process in two ways. First, there is no parole hearing initially. The APR process calls for a file review in the first instance. The normal parole review process requires a hearing with members of NPB and the offender prior to any release. The second difference involves the criteria used to determine if the offender should be released. The normal criteria for parole involve an assessment of whether the offender, by reoffending, will present an undue risk to society, and that release will facilitate reintegration in the community. The APR criterion involves a narrower test, that is, whether or not the offender is likely to commit a violent offence prior to the end of sentence. If there is no information to indicate that violence is likely, the Board must direct release.

Within the federal full parole program, APR has become a key element accounting for over 50% of full parole releases in recent years. Data from the review of full parole indicate that the legislation has generally been implemented as intended. For example, after initial difficulties, the process of selection of offenders eligible for APR is working effectively. Offenders who meet the APR criteria are being identified by CSC, and considered by the Board in a timely manner. As anticipated, APR has resulted in the movement of significant numbers of offenders to the community, about 1,100 per year, on average. APR offenders have had high rates of release. Since 1992/93, more than 8 of every 10 offenders reviewed using the APR criteria and process have been directed to release on full parole. In comparison, about 2 in 10 offenders reviewed for regular full parole (e.g. offenders with a history of violence) were granted a release.

APR was designed to ensure that non-violent offenders are released on full parole on, or close to, their full parole eligibility date (FPED), and this has occurred. In the post-CCRA period, APR cases were released within 15 days of FPED, on average. Prior to the Act, APR types cases were released 114 days after FPED. APR resulted in release on full parole closer to FPED, but, on average, it did not yield anticipated reductions to the proportion of sentence served in an institution by APR offenders. Prior to the CCRA, offenders who met the APR criteria served an average of 43% of their sentence incarcerated. In the post-CCRA years, APR offenders served 46% of their sentence in an institution on average. Factors contributing to the increase in the proportion of sentence incarcerated include:

- the choice by increasing numbers of offenders eligible for APR to forego a day parole application and opt to wait for an APR process for full parole;

- the high numbers of APR releases resulting in revocations of full parole for a breach of conditions of release, or for a new non-violent offence;

- the tendency to consider offenders who are eligible for APR but not directed to release on full parole as "violent offenders" who should remain incarcerated to SR date.

From a public safety perspective, both regular full parole and APR cases demonstrate high levels of success. In 1996/97, for example, the success rate for regular full parole was 92% compared with 85% for APR. Data for 1996/97 also demonstrate that offenders released on regular full parole were more likely (72%) to complete their period of supervision than offenders directed to full parole following APR (56%). Regular full parolees were less likely to be revoked for a technical violation (20%) than APR cases (29%). Offenders released on regular full parole were less likely to be revoked for a new offence (8%) than APR cases (15%). Levels of violent reoffending by APR cases and by regular full parolees remain low (1% and 2% respectively).

Statutory Release And Detention: In 1970, the *Parole Act* was amended to require offenders released on remission of sentence to be supervised in the community. This type of release became known as mandatory supervision (MS). The CCRA abolished remission of sentence and mandatory supervision and substituted statutory release (SR), requiring federal offenders to be released to the community under supervision by CSC, at the two-thirds point in their sentence. Offenders once released, are assisted in remaining crime-free through strategies for risk management. In January 1996, Bill C-45 amended the CCRA to include provisions which support risk management through the use of residency as a condition for SR.

Throughout the 1970s and 1980s, concerns were voiced about the automatic nature of release of offenders on MS and the imminent danger that some of these offenders brought to the community. In 1986, Bill C-67 amended the *Parole Act* to provide for the detention of an offender to expiry of sentence based on:

- determination that the offender is serving a sentence for an offence on the newly created schedule to the *Parole Act* (Schedule I, violent offences);
- determination that the offence caused death or serious harm; and/or
- establishment of reasonable grounds to believe that the offender is likely to commit, before the expiry of sentence, an offence causing death or serious harm.

Schedule I was developed primarily to focus on those crimes of particular concern to the public, to provide a mechanism to screen the large offender population, and to ensure that the detention legislation (a new restriction on what was then a remission-based entitlement to be released) was focused in a way that would conform with the *Charter of Rights and Freedoms*.

With the abolition of remission of sentence and mandatory supervision, and replacement with SR at the two-thirds point of the sentence, detention became a mechanism for manging offenders who were assessed as posing imminent danger, and who were approaching automatic release. In this context, the CCRA expanded Schedule I to include additional sexual offences, and added Schedule II (serious drug offences) to the Act as grounds for referral for detention.

SR accounts for a large proportion of annual releases from federal institutions. In 1996/97, for example, SR releases represented about 50% of all releases. In practice, SR involves offenders who were denied parole based on the Board's assessement of risk, or offenders who, after release on parole, were revoked and returned to the institution. In this context, effective management of offenders on SR is critical for public safety. Since the CCRA the annual SR population has increased from about 2300 to 3000.

Based on criminal history,offenders on SR present a degree of risk of reoffending; however, success rates for SR have been consistently over 80%. In 1996/97 for example, the success rate was 87%, and the recidivism rate was 13%, including 3% for violent recidivism. SR with residency has become a frequently used provision, involving almost 900 cases in 1996/97. It appears that SR with residency has contributed to

increases in SR releases. Early information suggests relatively high levels of revocation with and without offence for this group.

STATUTORY RELEASE WITH RESIDENCY														
	Releases		Supervision complete		Under Supervision		Deceased		Deported		Suspended		Revoked	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1995/96	53	6	15	2	5	1	1	-	-	-	8	1	24	3
1996/97	845	94	33	3	370	41	-	-	8	1	106	12	328	36
Total	**898**	**100**	**48**	**5**	**375**	**42**	**1**	**-**	**8**	**1**	**114**	**13**	**352**	**39**

Source: OMS.

Comparison Of Success Rates by Release Type: Since implementation of the CCRA, the day parole program has had higher success rates (92% to 96%) than full parole or SR. Success rates for regular full parole (87% to 92%) approximated rates for day parole and exceeded rates for APR and SR. Success rates for APR (63% to 85%) have been improving, and are now similar to rates for SR which have ranged from 82% to 89% and have been steady at 87% in the past two years. Since the CCRA, recidivism, including violent recidivism, has declined for all types of release. Although these reductions cannot be attributed to the Act, they may reflect enhanced risk assessment and risk management practices by NPB and CSC within the legislative framework provided by the Act.

COMPARISON OF SUCCESS RATES BY RELEASE TYPE								
Release Type/Year	Success		Recidivism				Total Recidivism	
			Non Violent Offence		Violent Offence			
Day Parole	#	%	#	%	#	%	#	%
1992/93	4,969	92	360	6	99	2	459	9
1993/94	4,688	93	256	5	83	2	339	7
1994/95	4,278	95	171	4	68	1	239	5
1995/96	3,585	95	132	4	56	1	188	5
1996/97	3,033	96	84	3	26	1	110	4
Full Parole (Reg.)	#	%	#	%	#	%	#	%
1992/93	2,512	87	309	11	69	2	378	13
1993/94	2,890	86	377	11	90	3	467	14
1994/95	2,444	91	176	7	62	2	238	9
1995/96	1,773	92	109	4	42	2	151	6
1996/97	1,371	92	89	6	29	2	118	8
Full Parole (APR)	#	%	#	%	#	%	#	%
1992/93	7	70	2	20	1	10	10	30
1993/94	136	63	71	33	9	4	80	37
1994/95	454	77	112	20	16	3	128	23
1995/96	700	84	129	15	12	1	141	16
1996/97	776	85	125	14	13	1	138	15
Stat. Release	#	%	#	%	#	%	#	%
1992/93	3,028	82	480	13	181	5	661	18
1993/94	3,674	81	666	15	176	4	842	19
1994/95	3,817	89	357	8	140	3	497	11
1995/96	4,028	87	426	10	150	3	576	13
1996/97	4,483	87	513	10	109	3	622	13

Success Rate is based on the year of completion of the supervision period. Source: OMS
Violent offences include offences on Schedule I, plus first and second degree murder.

Data on reoffending also indicate that while recidivism rates for SR have been improving, these offenders continue to account for the majority of high profile incidents each year. Based on information on the rates of

increases in SR releases. Early information suggests relatively high levels of revocation with and without offence for this group.

STATUTORY RELEASE WITH RESIDENCY														
	Releases		Supervision complete		Under Supervision		Deceased		Deported		Suspended		Revoked	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1995/96	53	6	15	2	5	1	1	-	-	-	8	1	24	3
1996/97	845	94	33	3	370	41	-	-	8	1	106	12	328	36
Total	898	100	48	5	375	42	1	-	8	1	114	13	352	39

Source: OMS.

Comparison Of Success Rates by Release Type: Since implementation of the CCRA, the day parole program has had higher success rates (92% to 96%) than full parole or SR. Success rates for regular full parole (87% to 92%) approximated rates for day parole and exceeded rates for APR and SR. Success rates for APR (63% to 85%) have been improving, and are now similar to rates for SR which have ranged from 82% to 89% and have been steady at 87% in the past two years. Since the CCRA, recidivism, including violent recidivism, has declined for all types of release. Although these reductions cannot be attributed to the Act, they may reflect enhanced risk assessment and risk management practices by NPB and CSC within the legislative framework provided by the Act.

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Full Parole (APR)	#	%	#	%	#	%	#	%
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1993/94	136	63	71	33	9	4	80	37
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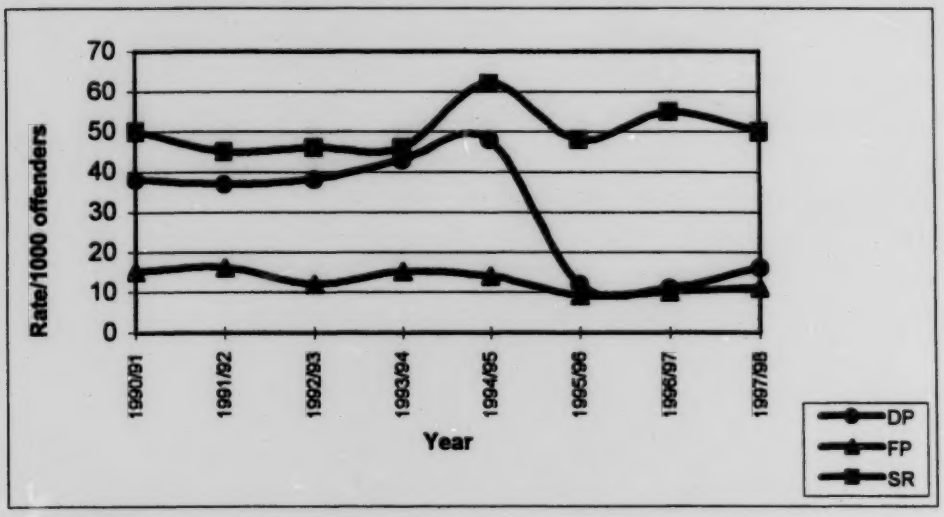
Violent offences include offences on Schedule I, plus first and second degree murder.

Data on reoffending also indicate that while recidivism rates for SR have been improving, these offenders continue to account for the majority of high profile incidents each year. Based on information on the rates of

charge for serious offences per 1000 offenders under supervision by type of release in recent years, offenders on SR have been 3 to 4 times more likely to be charged with a serious offence than day or full parolees.

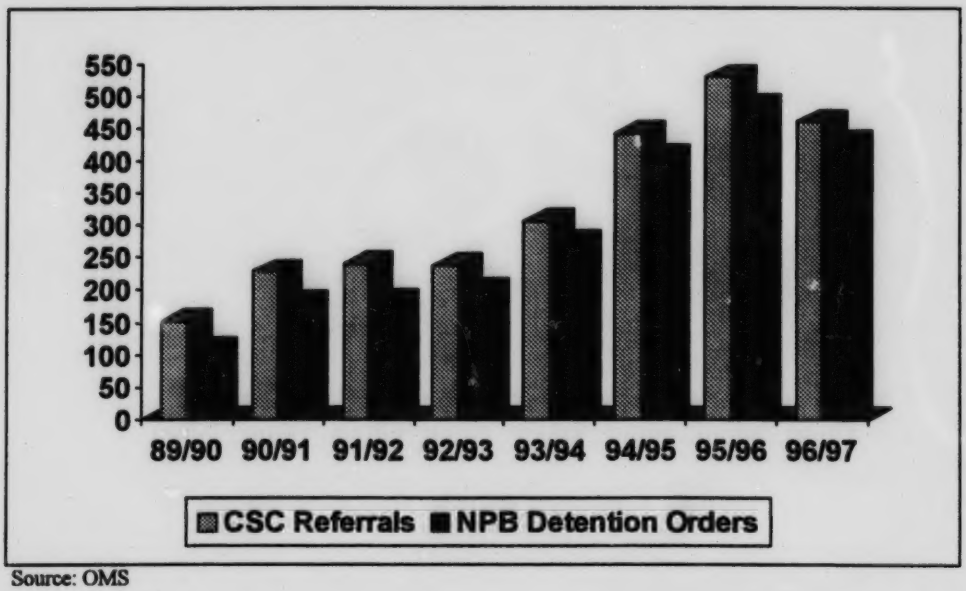
FIGURE I
RATES OF CHARGE FOR SERIOUS OFFENCES
PER 1000 OFFENDERS UNDER SUPERVISION



Source: EIS

Detention: Referrals for detention and the numbers of detained offenders increased steadily from 1986/87 to 1995/96; however, referrals and detained offenders declined in 1996/97, and appear headed for another decline in 1997/98. The use of SR with residency appears to be a key factor in these declines.

FIGURE J
DETENTION REFERRALS AND DECISIONS TO DETAIN



Source: OMS

SR and detention present important challenges in terms of public safety and reintegration. SR offenders are generally a high risk group. Nevertheless, most offenders in this group can and do succeed in the community each year. It is from this group of generally high risk, violent offenders that CSC and NPB must select those cases which should be detained and those which should lead to SR. Enhanced risk assessment tools and risk management strategies are essential for effective management of both SR and detention.

1.6.2 Openness And Accountability

During work to develop the CCRA, there was widespread recognition of the need to enhance the openness and accountability of corrections and conditional release. Legislated statements of purpose and principles were considered crucial in efforts to increase openness and accountability. These statements were reinforced by legislative reform related to:

- the role of victims;
- observers at hearings;
- the decision registry; and
- employee professionalism.

The Role Of Victims: The CCRA recognizes the interests of victims, and the need for accountability to victims (s. 23, 25, 26, 101, 125, 132, 142). The Act requires CSC and NPB to disclose information about an offender when victims, as defined by the Act, request it. CSC must ensure that available victim information is obtained for decision-making. Decision-makers in NPB and CSC must use any relevant, available information in assessing and managing risk.

Employees of CSC and NPB recognize and support the need to provide information and assistance to victims. Victims contact the Board 5500 to 6500 times a year. Most contacts are in Ontario but other regions have been showing steady increases in recent years. Victims of sexual assault are most likely to contact CSC/NPB, followed by victims of non-sexual violent offences. Victims contact the Board most often in writing, or by telephone. Contacts most often involve the direct victim who is seeking general information or information involving hearings or decisions for conditional release.

Feedback from victims has indicated that they are generally satisfied with information and assistance provided by CSC/NPB. Some victims have indicated, however, that they would like to be able to speak at NPB hearings. In addition, some victims have indicated that they want more information, particularly information on offender participation in treatment and related outcomes. Information from victims is frequently used in conditional release decision-making, however, some difficulties have been encountered regarding the identification and provision of formal victim impact statements.

Observers At Hearings: The observer provisions (s. 140) of the CCRA are intended to promote openness and accountability for conditional release decision-making, and increase public understanding of this decision-making process. Before the CCRA, NPB hearings were usually attended by NPB and CSC participants, the offender, and any assistant designated by the offender. Occasionally, other persons were allowed to observe the hearing, but only if the offender agreed. The CCRA allowed the general public, including the victims of the offender, the media, and other interested parties to apply to attend NPB hearings. Further, the Act stated that the Board shall ... "permit a person who applies in writing to attend a hearing", with some stipulations to ensure the safety of all concerned and the effective conduct of the hearing.

People seem increasingly conscious of the possibility of attending hearings, as the number of observers has increased. There appears to be more informed media coverage of Board decisions, which may reflect media access to the registry of decisions, as well as media use of the observer provisions. These trends should contribute to public understanding. The accountability of the Board has been enhanced by the exposure to public scrutiny. Board members report appreciating the opportunity for the public to observe the professionalism with which they approach decision-making, and to demonstrate thoroughness in conducting the hearing and reaching the decision. While the potential exists for greater use of provisions for attending NPB hearings, the obstacles of institutional accessibility, cost and commitment of time for observers, together with the fact that the matters discussed at Board hearings can be emotionally painful for victims must be taken into consideration when considering the extent of use of these provisions.

The management of observers prior to, and at the hearing is resource intensive for NPB and CSC. Staff must escort and supervise visitors to ensure their safety, and provide thorough briefings so that observers understand the context of the hearing, and the role of the Board and CSC in the conditional release process. Implementation of these provisions by both NPB and CSC staff appears to have been effective.

National Parole Board Registry Of Decisions: The CCRA requires the Board to allow access by the public to its decisions through a registry of decisions (s. 144). The decision registry is a means for increasing the openness and accountability of NPB decision-making, and for building public understanding of conditional release. The Act permits access to specific decisions, and access to decisions for research purposes. For case specific applications, any person who demonstrates an interest in a case may, on written application to NPB, have access to the contents of the registry relating to the specific case, excluding information which would jeopardize the safety of a person, reveal the source of information obtained in confidence, or adversely influence the reintegration of the offender. For research purposes, people may apply to the Board for access to decisions and receive information after the decisions have been screened to remove all personal identifiers.

The legislative provisions did not define the contents of the "registry of decisions", or what would constitute demonstrating interest in a case. These determinations were left to the discretion of the NPB. In keeping with the concepts of openness and accountability, the Board chose to make available the complete risk assessment and decision-making documentation of Board members for each decision. NPB also decided that an individual would be considered to have demonstrated an interest in the case by writing to the Board to ask for access to the decision registry.

Requests for this type of access to the registry have increased annually since 1993/94, and now exceed 1,600 per year. Almost half (47%) of case specific requests involve victims. Nationally, over 70% of all requests are processed by NPB within ten days. Responding to requests for access to decisions for research purposes has

proved more complex than case specific requests due to data retrieval issues. This situation appears to be improving, however, with introduction of automated capacity for information retrieval and reporting.

The decision registry has increased the openness and accountability of the conditional release decision-making process. Through the registry, Board decisions are subject to close scrutiny by victims, the media and the public. Determining whether the registry has increased public understanding of conditional release is more difficult. There are indications, however, that media reporting of NPB decision-making, and conditional release in general, is more accurate, leading to better understanding by the public.

Employee Professionalism: The CCRA recognizes the crucial role of qualified, well trained and motivated employees in efforts to achieve excellence in corrections and conditional release. For CSC, the Act requires that staff members be properly selected and trained, and be given:

- appropriate career development opportunities;
- good working conditions, including a workplace environment that is free of practices to undermine a person's sense of personal dignity; and
- opportunities to participate in the development of correctional policies and programs.

With respect to NPB, the Act emphasizes the need for appropriate policies to support decision making by Board members, and the training necessary to implement these policies.

Consistent with the CCRA, both CSC and NPB have taken steps to develop and sustain professionalism in the workforce. Rigorous selection processes accompanied by post-selection training, development and continuous learning characterize the human resource strategies for both organizations.

CSC has launched its career management program as a key element of measures for professionalism. This program is supplemented by work in CSC staff colleges to provide meaningful, relevant training in key areas such as risk assessment and risk management. In NPB, extensive work has been completed to improve the selection process and criteria for Board members. In addition, Board member training was reviewed and adapted to focus on the latest knowledge related to risk assessment. The Board also developed a Code of Conduct for Board members and implemented an annual performance appraisal process for members which focuses on quality of decision-making.

1.6.3 Fair Processes, Equitable Decisions

The CCRA formalizes longstanding practices for supporting fair processes and equitable decisions related to offenders. Through the purpose and principles of the Act, the legislation also seeks to develop and support organizational respect for the law, and the duty to act fairly. Fairness and equity are reinforced by legislative reform in 8 key areas:

- administrative segregation;
- urinalysis;
- inmates' input to decisions;
- offender grievance processes;
- search and seizure;
- inmate discipline;
- information to offenders; and
- the Office of the Correctional Investigator (OCI).

Administrative Segregation: The CCRA (s. 31 to 37) provides CSC with the authority to use administrative segregation to keep inmates from associating with the general inmate population where there is evidence that it would jeopardize the safety and security of the institution or of any individuals (staff and inmates). The CCRA indicates that the use of administrative segregation should be minimized, and that efforts must be taken to return the inmate to the general population at the earliest appropriate time. Under the CCRA, any

decision to place or maintain an inmate in administrative segregation can be justified only if there are reasonable grounds to believe that:

1) *the inmate (i) has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person;*
2) *the continued presence of the inmate in the general inmate population would interfere with an investigation that could lead to a criminal charge or a charge, under subsection 41(2), of a serious disciplinary offence; or*
3) *the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety.*

These criteria are not punitive, but preventive. The grounds for placement in, and continuance of administrative segregation were designed to allow CSC to prevent altercations, harm, or interference with certain investigations. These provisions were not intended to be used to circumvent the inmate disciplinary provisions.

In April 1996, the Arbour Commission released its report concluding that CSC had a culture that did not respect the rule of law. In response to the Arbour Report, CSC established the *Task Force to Review Administrative Segregation*. The Task Force also addressed issues relevant to the CCRA 5-Year Review.

CSC appeared to experience difficulties in applying provisions regarding administrative segregation consistent with the letter and the intent of the CCRA. Issues of non-compliance with the law were identified by the Arbour Commission, and confirmed by the preliminary findings of CSC's Task Force on Administrative Segregation. In response, CSC launched numerous initiatives to improve legal compliance, and the effectiveness of the process for administrative segregation. These initiatives appeared to yield positive results. In 1997, a comprehensive audit was conducted to assess if the operation of the administrative segregation units was in compliance with basic procedural requirements of law and policy. The results of this audit indicated an overall pattern of compliance for CSC. Work continues to improve performance in this area.

The population in administrative segregation was monitored between September, 1996 and February, 1997, to identify the number of segregated inmates, their status (voluntary and involuntary), the duration of their stay, and the reason for their segregation. Data were taken from the Offender Management System (OMS). On February 2, 1997, there were 722 inmates in administrative segregation. Of the 722 inmates in administrative segregation, 113 (15.7%) were Aboriginal males and 5 (0.7%) were women (including 3 Aboriginal women). These two groups represent 15% and 2% respectively of the inmate population.

Half of the inmates (49.6%) were in voluntary segregation. Over half (54%) of those in administrative segregation were placed there under Section 31(3)(c) of the CCRA ("inmate's own safety"). A further 42% were segregated under Section 31(3)(a) of the CCRA ("jeopardize the security of the penitentiary or the safety of any person"). The remaining 4% were segregated under Section 31(3)(b) of the CCRA ("interfere with an investigation that could lead to a criminal charge or a charge ... of a serious disciplinary offence").

About three-quarters (76%) of the inmates in administrative segregation had been there for less than 90 days. For the 24% who had spent more than 90 days in segregation, the alternative to confinement identified for most was a transfer. In some cases, even this was difficult considering the number of 'incompatibles' that some inmates have in institutions across the country. In addition, some inmates (12% of the sample) did not wish to be reintegrated into the general inmate population.

Segregated inmates had different criminal histories than non-segregated inmates. They had more prior involvement with the criminal justice system as young offenders, and as adult offenders. They had been

segregated more often for disciplinary reasons during previous prison terms, had higher rates of escape, had higher rates of recidivism, and stayed out of prison for shorter periods of time.

Search, Seizure And Inmate Discipline: The CCRA (S. 38-44, 46-53, 58-67) provides an enabling framework for search, seizure and inmate discipline in federal institutions. The Act establishes the mandate for inmate discipline, describing the purpose of the disciplinary system as to encourage inmates to conduct themselves in a manner that promotes the good order of the penitentiary. The Act places an overall emphasis on providing a disciplinary system that is fair, objective and geared to the resolution of disciplinary issues in the least restrictive manner, consistent with safety of the institution.

Legislative provisions describe the disciplinary procedures to be followed to ensure that inmates are treated fairly throughout the process, and indicate that staff members must take all reasonable steps to resolve an alleged disciplinary infraction in an informal manner. The CCRA defines the various types of searches including routine, non-intrusive searches, frisk, strip and body cavity searches, prescribing circumstances and procedures for the conduct of searches. The Act authorizes the search of cells, visitors, vehicles, and staff members, provides the power to seize evidence and contraband, and to search community residential centres.

Implementation of CCRA provisions respecting search, seizure and inmate discipline are complex, requiring detailed policy and procedure to support adherence to the duty to act fairly. CSC policy does, however, provide a meaningful framework for implementation of the Act. CSC staff have demonstrated understanding of various types of search and related procedures. Difficulties that did arise involved the concepts of "reasonable grounds" and "suspicion". CSC is addressing this issue through staff training and development of reference materials. Data from inmate complaints or grievances related to searches tend to substantiate these findings. A very small proportion (less than 1%) of searches resulted in a complaint or grievance by the offender.

With respect to the seizure and handling of contraband, legislative provisions appear to have been implemented as intended. Overall, CSC staff demonstrated understanding of the law and respect for compliance. Issues that did arise tended to involve procedural uncertainty and reporting formats and requirements. CSC is working to resolve these issues.

CSC is attempting, in all regions, to resolve inmate discipline issues informally as recommended in law, consistent with safety and security of the institution. For the most part, inmate discipline has respected procedural fairness and compliance with the law. Timeliness is a key aspect in the administration of the inmate disciplinary provisions. Data indicate that CSC deals with the disciplinary process in a timely manner. Most cases (80%) are resolved in 30 days or less.

Nationally about 4 in 10 disciplinary charges are designated as serious. Regional rates of serious charges range from 30% (Pacific) to 58% (Atlantic). Factors influencing regional variations could not be specified. The proportion of charges resulting in a guilty finding for serious offences ranges from 62% (Ontario) to 88% (Quebec). For minor offences, guilty rates range from 76% (Pacific) to 91% (Quebec). Within regions, guilty rates do not vary much for minor or serious offences with the exception of Ontario where the variation is 17%. Data from the study indicate that Aboriginal offenders, on average, have a 4% higher conviction rate (83% to 79%) for serious charges than non-aboriginal offenders. In Quebec the trend is reversed.

Offender Grievance System: The CCRA (s. 90 to 91) requires fair and expeditious procedures for resolving offenders' complaints on matters within the jurisdiction of the Commissioner, and complete access to these procedures by offenders, without negative consequences. The Act also provides the conditions under which CSC must deliver and manage its offender redress system. The intent of the legislation is to ensure that fairness, timeliness and effectiveness are given the required focus in the inmate redress system.

CSC has developed formal processes for an inmate redress system and responds to complaints and grievances in a timely manner. In fact, significant improvements have been made in response times since the CCRA. Data from the review demonstrate that significant success has been achieved in resolving complaints and grievances at the lowest possible level. In fact, 73% of actions by inmates are addressed at the complaint level, i.e. before they progress to the level 1 grievance stage. An additional 13% are addressed at the level 1 stage. Only 1 of 10 complaints/grievances progress beyond level 1 (institutional).

The study identified two key issues. Firstly, about 5% of the inmate population account for almost 70% of complaints and grievances, making it difficult for CSC to respond to offenders who submit very few complaints/grievances and who may have attempted to resolve issues through less formal measures. Secondly, there is a lower than expected use of the complaints/grievances process by Aboriginal offenders. Work is underway to ensure that Aboriginal access to the grievance system is not constrained by cultural factors.

Urinalysis: The CCRA provided CSC with the necessary authority for urinalysis (s. 54 to 57) and related testing programs. The Act provides guidance for staff and inmates to help ensure that the individual's rights are protected, consistent with the *Charter of Rights And Freedoms*. Urinalysis is now an integral part of CSC operations. In 1992, the volume of samples was approximately 250 per month. In 1997, the volume of samples per month had risen to 3700. Testing and sampling appear consistent with legislative intent and requirements of the Act. As a result of the information provided by urinalysis, CSC's Drug Strategy was developed and implemented.

The rate of positive test results has dropped in the last four years. In 1993/94, the positive rate for random testing was 37% in institutions and 37% in the community. In 1996/97, the positive rate for random testing in institutions was 10%, and in the community the rate was 12%. There has not been a shift from soft drugs to hard drugs (cocaine, opiates) in institutions in the past four years; however, hard drugs are more prevalent in maximum security institutions. In at least two regions, there appears to be a relationship between drug seizures and decreases in violent incidents in institutions. This result along with other findings demonstrate the need for an effective urinalysis program for drug testing in federal institutions. As urinalysis is not the most effective test for alcohol consumption, breathalysers will be considered for this type of testing in institutions, and in the community.

Inmates' Input To Decision-Making: The CCRA (s. 74) requires CSC to provide inmates with the opportunity to contribute to decisions affecting the inmate population as a whole, or affecting a group within the inmate population, except decisions relating to security matters. Offenders are expected, and encouraged to be active participants in the management of their sentence – the correctional plan is developed in conjunction with the offender. CSC's policies reflect the principles of fundamental justice and the duty to act fairly. There is a redress system if offenders feel they have been treated unjustly. Inmate Committees exist in all institutions and these committees are generally provided with the opportunity to be informed of, and to comment on, issues affecting the inmate population. The Inmate Committee for each institution works with management in the effective running of the institution. The Committee acts as the link between management and the inmate population.

Information To Offenders: The CCRA requires CSC to provide offenders with the documents collected and written at the time of admission to a penitentiary, if they request the information in writing. These documents include court information, offence details, social histories and related information. The Act requires CSC to give offenders all the information, or a summary of the information, to be considered in making decisions about offenders within a reasonable period of time before the decision is to be taken. Similarly, the Act requires CSC to provide offenders with the information that was considered by CSC when making decisions about offenders after the decision is taken. The Act also requires NPB to provide offenders all information to be considered in decision-making, at least 15 days before the decision is to occur, unless the offender waives this requirement, and to provide the decision after it has been taken (s. 23, 27, 101, 141).

Provision of information to offenders regarding decisions about their incarceration or conditional release is a standard operating procedure for CSC and NPB. Consistent with the CCRA, the Board and CSC have developed policies and processes to support effective information sharing. Data for the review of the CCRA also indicate that great amounts of information are shared, within appropriate timeframes.

Office Of The Correctional Investigator: The mandate of the Office of the Correctional Investigator (OCI) is detailed in Part III of the CCRA. The OCI was established in 1973 in response to the recommendations of a Commission of Inquiry into a series of disturbances at Kingston Penitentiary. The Correctional Investigator was initially appointed as a Commissioner pursuant to Part II of the *Inquiries Act* to assist in ensuring increased openness, accountability and fairness in correctional practices. The mandate of the OCI, at that time, was to investigate independently, complaints from or on behalf of inmates, and to report upon problems of inmates that come within the responsibility of Solicitor General. The CCRA did not significantly alter the authority or role of the OCI from that which was provided for in 1973, but established the OCI as an ombudsman for federal corrections.

The CCRA has attempted to balance the need for Ministerial accountability for correctional operations with the need that the OCI be and be seen to be independent. To this end, the CCRA has afforded the OCI the flexibility of mandate and function associated with more traditional ombudsman operations and established a time frame and structure within which the Minister must present Reports from the OCI to Parliament. The C.C.R.A. has provided within Part III, the key elements necessary to support this concept:

- independence from the government agency under review,
- access and confidentiality for those requiring assistance,
- substantial powers of investigation,
- authority to make recommendations considered appropriate, and
- provision for the public reporting on findings and recommendations.

The OCI supports a redress mechanism which provides inmates with a process for identifying issues and making complaints regarding their incarceration. In response to inmate complaints, the OCI intervenes with CSC to resolve issues and to address systemic factors which are the root of complaints. Madame Justice Arbour in commenting on the function of the OCI expressed support, stating:

> "It is clear to me that the Correctional Investigator's statutory mandate should continue to be supported and facilitated. Of all the outside observers of the Correctional Service, the Correctional Investigator is in a unique position both to assist in the resolution of individual problems, and to comment publicly on the systemic shortcomings of the Service."

The OCI receives about 6,500 complaints per year. The investigative staff spend about 350 days in federal penitentiaries and conduct in excess of 2,000 interviews with inmates and half again that number of interviews with institutional and regional staff. The OCI is currently developing in action plan for enhancing its planning, operational and public information capabilities to ensure effective response to workload pressures with scarce resources.

Most issues raised on complaint by inmates are addressed by the OCI at the level of the complainant and the staff at the institution through discussion and negotiation. In cases where a resolution is not reached at the institutional level, the matter is referred to regional or national headquarters depending upon the area of concern, with a recommendation for further review and corrective action. If at this level CSC fails, in the opinion of the OCI, to address the matter in a reasonable and timely fashion, it will be referred to the Minister and eventually may be detailed within an annual or special report. The effectiveness of this process is in large measure dependent upon the willingness of the government organization to respond to issues referred to its attention in a thorough, objective and timely fashion.

1.6.4 Special Groups, Special Needs

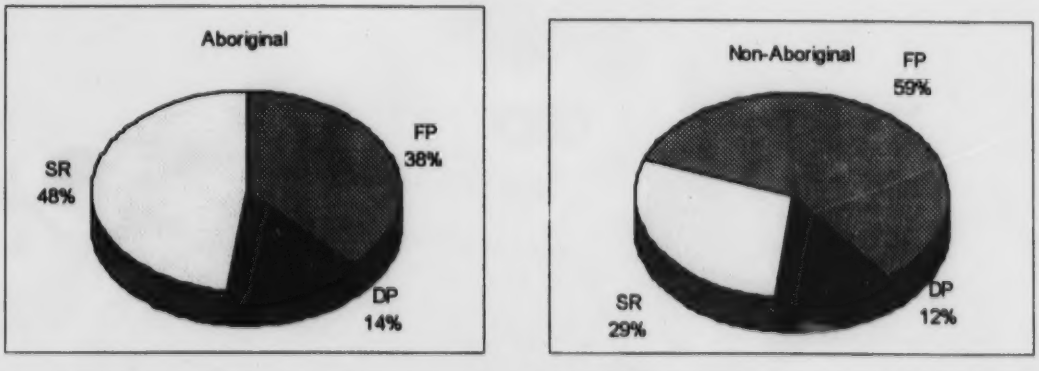
The CCRA was designed to provide a strategic, integrated approach to corrections and conditional release – an approach that recognized the importance of rehabilitation and quality risk assessment as a foundation for public protection. Consistent with this approach, the Act recognized the need for legislative and operational flexibility to ensure that programs, treatment and decision-making address the diverse needs and circumstances of the offender population and groups within the offender population.

In particular, the CCRA recognized the need to address longstanding challenges related to Aboriginal offenders and women offenders. The Act set requirements for policies and programs to meet the needs of these groups. With respect to Aboriginal offenders, the Act also provided a framework for greater involvement of Aboriginal communities in strategies for managing Aboriginal offenders. The Act also recognized the importance of effective delivery of health services by CSC, and the relationship of health services to offenders' needs and to correctional decision-making.

Aboriginal Offenders: The CCRA recognizes the unique circumstances and special needs of Aboriginal offenders and requires CSC and NPB to develop policies and programs which are sensitive to these circumstances and needs. The Act requires CSC to ensure that Aboriginal spirituality, spiritual leaders and elders are accorded the same status as other religions, and religious leaders, and to maintain a National Aboriginal Advisory Committee. The CCRA enables Aboriginal communities to be involved in the release plans of offenders seeking parole in an Aboriginal community, and the Minister to make formal arrangements with Aboriginal communities for the care and custody of Aboriginal offenders.

Aboriginal people are over-represented in federal corrections. They comprise about 3% of Canada's population; however, on March 31, 1997, they accounted for about 12% of the total federal population, and 15% of the incarcerated population. Aboriginal offenders are more likely to serve their sentence in institutions than in the community. Aboriginal offenders are released on day parole at about the same proportion as non-aboriginals; however, they are less likely to be released on full parole, and more likely to be released on SR. When granted full parole, they receive it later in their sentence and are more likely to be returned to imprisonment for a violation of supervision conditions. In addition, Aboriginal offenders are more likely to be referred for detention, but once referred, they are detained at the same rate as non-aboriginal offenders.

FIGURE K
ABORIGINAL AND NON-ABORIGINAL OFFENDERS UNDER FEDERAL SUPERVISION BY CONDITIONAL RELEASE TYPE, MARCH 31, 1997



Based on factors such as offence profile, and number of prior federal penitentiary terms, Aboriginal offenders posed a higher risk to reoffend. Data on conditional release success indicated, however, that they are not more likely to be revoked for a new offence than non-aboriginal offenders. Due to their criminal history, they are less likely to be eligible for accelerated parole review which could have some impact on the differences found

in time served prior to full parole release. In addition, Aboriginal offenders are more likely to waive their full parole review. This could account for some of the variations in time served past parole eligibility for Aboriginal and non-aboriginal offenders.

Since the CCRA, the Board and CSC have developed numerous initiatives to address the serious challenges surrounding Aboriginal involvement in federal corrections and conditional release. CSC has developed a range of programs designed to meet the needs of Aboriginal offenders, and to contribute to their reintegration in the community. A national policy on Aboriginal programming has been developed and core programs (i.e. programs to address criminogenic factors) are a priority and have been implemented. Special purpose programs have also been put in place.

NPB has developed and implemented policies and alternate conditional release decision models which respect Aboriginal culture and values. The Board initiated elder-assisted hearings in the Prairies in 1992, and in the Pacific region in 1996. This type of hearing is also being considered in Ontario. Elders play an important role in these hearings which apply restorative approaches and comprise panels with Aboriginal and non-aboriginal Board members. Elders ensure that Board members understand and consider the cultural perspectives of aboriginal offenders, and the role of Aboriginal programs, ceremonies and rituals.

CSC has established an Aboriginal Advisory Committee with a sufficiently broad mandate to examine any correctional matter it deems relevant. Work has also been carried-out for implementation of section 81 and section 84 agreements, i.e. agreements paving the way for aboriginal communities to take responsibility for aboriginal offenders. The policy framework for section 81 agreements is currently the subject of internal and external consultation. To date, only one section 81 agreement has been implemented.

Women Offenders: The CCRA requires CSC to provide programs to address the needs of women offenders, and to consult regularly about these programs with appropriate women's groups and other appropriate individuals and groups with experience and expertise in working with women offenders. The Act also requires NPB to develop and implement policies which are responding to the special needs of women.

The CCRA formalized measures to address the unique circumstances and challenges involving women in the federal correctional system. In particular, there was a need to address the fact that women had access to a limited range of programs and had been incarcerated at the Prison for Women, away from their families and home communities. CSC has taken action to address these issues. Institutions for women have been constructed or acquired in all regions. Programming has been redesigned to address women-specific needs and implementation of this programming is underway.

Health Services: Health care within the CCRA means medical, dental and mental health care provided by registered health care professionals. The CCRA defines mental health care as the means of care of a disorder of thought, mood, perception, orientation or memory that significantly impair judgement, behaviour, the capacity to recognize reality or the ability to meet the ordinary demands of life.

The CCRA requires CSC to provide inmates with essential health care and reasonable access to non-essential mental health that will contribute to rehabilitation and successful reintegration in the community. The Act also indicates that:

- *the provision of health care shall conform to professionally accepted standards;*
- *at key points or events in an offender's sentence such as placement, transfer, administrative segregation, release preparation and supervision, the offender's state of health and health care needs must be taken into consideration before decisions are made;*
- *inmates must give voluntary and informed consent to treatment, and have the right to refuse treatment;*
- *inmates who choose to fast, and understand the consequences of fasting, shall not be force - fed by CSC; and*

- *offenders may participate in research projects, but only if they agree, and if an independent committee has reviewed the case and approved the project.*

The CCRA provided the impetus, with program review, for redesign of the delivery of health services in CSC. The Act requires CSC to provide universal access to essential health services by inmates. Previously, CSC provided health services on demand. In the new model, (primary health care model), delivery of services has been rationalized to ensure that the proper professional is hired and employed to do the proper job. That is, where nurses can perform health care duties for which they have been trained, they should do so. Also in this model, a significant responsibility for health rests with the offender. The offender is expected to make pro-health choices. Redesign of health care services has reduced cost and enhanced the quality of service delivery. Work is currently underway to continue the process of improvement.

1.7 Concluding Remarks

When the CCRA was introduced in 1992, it included provisions for review by a parliamentary committee after five years. This report is intended to provide information to support the review. The Act also appears to be working well, providing a meaningful framework for policy, training and operations. While the Act appears to be working relatively well, it is expected that parliamentary review will contribute significantly to the process of ongoing improvement, and continue Canadian standards of excellence in corrections and conditional release as we approach and begin the millenium.

TABLE OF CONTENTS

1. EXECUTIVE SUMMARY i

2. INTRODUCTION 1

2.1 PURPOSE AND SCOPE OF REPORT 1

2.2 LEGISLATIVE REQUIREMENT 1

2.3 INFORMATION COLLECTION 1

3. HISTORY OF CORRECTIONS AND CONDITIONAL RELEASE 3

3.1 REFORMATIVE INCARCERATION 3

3.2 POST-CONFEDERATION DEVELOPMENT 3

3.3 THE GROWTH YEARS 4

3.4 CCRA DEVELOPMENT - 1986 TO 1992 6

3.5 POST - CCRA REFORM 7

4. THE CCRA IN CONTEXT 9

4.1 LAW AND ORDER AGENDA 9

4.2 VICTIMS OF CRIME 9

4.3 ABORIGINAL JUSTICE 9

4.4 CRIME RATES 10

4.5 FEDERAL OFFENDER POPULATION 10

4.6 INSTITUTIONAL CAPACITY AND COSTS 14

4.7 LEGISLATIVE INTENT 15

5. DETAILED INFORMATION ON THE PROVISIONS AND OPERATIONS OF THE ACT 18

5.1 STRATEGIC FRAMEWORK - PURPOSE AND PRINCIPLES 18

5.2 PUBLIC SAFETY AND REINTEGRATION 20

5.2.1 PRE-RELEASE ISSUES *20*

5.2.1.1 INFORMATION ABOUT OFFENDERS 20

5.2.1.2 SECURITY CLASSIFICATION OF INMATES 22

5.2.1.3 JUDICIAL DETERMINATION OF PAROLE ELIGIBILITY 24

5.2.2 INTERIM RELEASE PROGRAMS *26*

5.2.2.1 TEMPORARY ABSENCES 27

5.2.2.2 WORK RELEASE PROGRAM 40

5.2.3 CONDITIONAL RELEASE *44*

5.2.3.1 DAY PAROLE 44

5.2.3.2 FULL PAROLE 59

5.2.3.3 STATUTORY RELEASE AND DETENTION 75

5.3 OPENNESS AND ACCOUNTABILITY 95

5.3.1 THE ROLE OF VICTIMS *95*

5.3.2 OBSERVERS AT HEARINGS *98*

5.3.3 NATIONAL PAROLE BOARD REGISTRY OF DECISIONS *102*

5.3.4 EMPLOYEE PROFESSIONALISM *105*

5.4 FAIR PROCESSES, EQUITABLE DECISIONS 111

5.4.1 ADMINISTRATIVE SEGREGATION *111*

5.4.2 SEARCH, SEIZURE AND INMATE DISCIPLINE *115*

5.4.3 OFFENDER GRIEVANCE SYSTEM *123*

5.4.4 URINALYSIS *126*

5.4.5 INMATES' INPUT TO DECISION-MAKING *133*

5.4.6 INFORMATION TO OFFENDERS *135*

5.4.7 OFFICE OF THE CORRECTIONAL INVESTIGATOR *137*

5.5 SPECIAL GROUPS, SPECIAL NEEDS 142

5.5.1 ABORIGINAL OFFENDERS *142*

5.5.2 WOMEN OFFENDERS *156*

5.5.3 HEALTH SERVICES *164*

6. CONCLUDING REMARKS 167

2. INTRODUCTION

The Canadian system of corrections and conditional release is complex, frequently evoking strong public interest and concern, particularly in response to perceived system failures or plans for improvement. System reform over the past 130 years has been characterized by regular use of special inquiries, or commissions, and other public fora to examine issues, and propose measures for improvement. In this manner, the public, parliamentarians, and interest groups have regularly been engaged in the pursuit of quality and relevance in corrections and conditional release. This tradition will continue with the five year review of the CCRA by a parliamentary committee.

2.1 PURPOSE AND SCOPE OF REPORT

This report provides information on the CCRA and related issues in order to support review of the legislation by a parliamentary committee. As such, this report is factual, presenting detailed information on legislative implementation, and perceived impacts and effects.

The report has six sections. The first is the executive summary, followed by this brief introductory section. The third section provides a short history of corrections and conditional release in Canada. Section four situates the CCRA in context during its development and initial implementation. Key challenges and opportunities in the 1980s, and 1990s are outlined in this section. Section five provides detailed information on the provisions and operations of the CCRA from November 1992 to March 31, 1997. Information is also provided for the very limited experience with changes to the CCRA which were introduced through Bill C-55 in July 1997. The final section (six) provides brief concluding remarks.

2.2 LEGISLATIVE REQUIREMENT

Section 233 of the *Corrections and Conditional Release Act* states:

Five years after the coming into force of this Act, a comprehensive review of the provisions and operations of this Act shall be undertaken by such Committee of the House of Commons, or of both Houses of Parliament as may be designated or established by Parliament for that purpose.

The CCRA was proclaimed into force in November 1992, creating the need for comprehensive information on the provisions and operations of the Act for November 1997.

Section 232 of the CCRA states:

Three years after the coming into force of sections 129 to 132, a comprehensive review of the operations of these provisions shall be undertaken by such Committee of the House of Commons as may be designated or established by the House of Commons for that purpose.

Information for review of sections 129 to 132, commonly known as the detention provisions has been incorporated with this report, permitting the review of detention in the broader context of review of the CCRA.

2.3 INFORMATION COLLECTION

Information for this report has been collected from numerous sources, including:

- working papers completed for the CCRA review which examined key areas of legislative change in 1992;
- research and other studies in corrections and conditional release, including work completed for the review of detention provisions of the Act in 1995;

- the results of a clause by clause legal review of the Act;
- the results of numerous internal studies by CSC and NPB dealing with subjects such as reintegration, administrative segregation, and case preparation;
- parliamentary debate, and public consultations on correctional law leading to development of the CCRA, and subsequent amendments (Bill C-45, Bill C-55);
- information published by Statistics Canada including crime data, and data dealing with adult corrections in Canada;
- data from the Offender Management System (OMS), the automated system used to support both the management of offenders by the Correctional Service of Canada (CSC), and conditional release decision-making by the National Parole Board (NPB);
- data from the Executive Information System (EIS), the system used by CSC and NPB for performance monitoring and reporting; and
- consultations with staff in CSC, and the Office of the Correctional Investigator (CI), and staff and members of the NPB.

Note to the reader: There is extensive information in this report. Efforts have been made to use similar reporting periods, however, this was not always possible because of the inconsistent information systems prior to 1990/91.

Generally, when information by year is presented, it is presented by fiscal year, and the information provided is based on March 31 of the fiscal year. Information involving financial resources involves current dollars, i.e. not constant dollars adjusted for the impact of inflation.

3. HISTORY OF CORRECTIONS AND CONDITIONAL RELEASE

3.1 REFORMATIVE INCARCERATION

If many offenders convicted of crime were ordered to solitary imprisonment accompanied by well regulated labour and religious instruction, it might be the means under Providence, not only of deterring others from the commission of like crimes, but also of reforming the individuals and inuring them to habits of industry.

> An Act to provide for the Maintenance and Government of the Provincial Penitentiary erected near Kingston in Midland district, 1834.

The idea of reformative prisons was first proposed in Upper and Lower Canada in the 1820s and 1830s. In this period, there was also vigorous debate of this issue in the 4 Atlantic provinces. In 1833, capital punishment was abolished for about 150 offences, followed shortly by abolition of the use of the pillary, transportation out of province as a penalty, and imprisonment for debt. A new prison in Upper Canada, known eventually as Kingston penitentiary, received its first offenders on June 1, 1835. The prison population reached a maximum of 55 during the first year, and included offenders convicted of crimes such as forgery, arson, grand larceny, and horse theft. Sentence lengths ranged from 1 year to 6 years.

By 1842, serious questions were emerging about the qualifications and selection of senior staff in penitentiaries. There also appeared to be an inordinate number of recidivists, reflecting the complexities of reformative imprisonment and rehabilitation of offenders. And by 1848, there were major public concerns with the penitentiary system, as the first committee of inquiry into the management of penitentiaries was appointed. The committee, known as the Brown Commission, made extensive recommendations for reform of prison administration and treatment of offenders.

With the formation of the Dominion of Canada in 1867, (Ontario, Quebec, Nova Scotia, and New Brunswick), the new federal government assumed responsibility for penitentiaries under section 91 of the *British North America Act* of 1867.

3.2 POST-CONFEDERATION DEVELOPMENT

Prison construction soon followed confederation. New facilities were established in Quebec (1873), Manitoba (1876), British Columbia (1878) and New Brunswick (1880). The Regina Jail (1886), and the Prince Albert Jail (1886) were built in what was then the Northwest Territories. Institutions in Alberta (1906) and Saskatchewan (1911) rounded-out the first national penitentiary construction program.

Prison construction was accompanied by the emergence of organizations devoted to prisoners' welfare and penal reform. Local and regional prisoners' aid societies were joined by numerous international penal reform associations. Most reformers proposed a five point program based on: reformative penitentiaries; scientific classification of offenders; probation; indeterminate sentences; and parole.

Programs of release from penitentiary before the serving of full sentence were founded with the *Penitentiary Act* in 1868. Release was based on the concept of remission which enabled an offender to reduce the sentence by almost one-quarter as reward and incentive for industrious, and law-abiding institutional behaviour. Offenders released on remission of sentence were unsupervised in the community.

The *Ticket of Leave Act* in 1899 provided offenders with additional opportunities for release based on factors related to the offence, the offender's character, and the likelihood that the offender would commit another offence. In 1901, pursuant to legislative reform, the Dominion Parole Office was created as part of the Remission Service within the Department of Justice.

The penitentiary population remained relatively stable in the early 1900s, declined during the First World War, and rose gradually in the post-war period. The Great Depression in 1929, however, was accompanied by sharp population growth. By 1933, the penitentiary population had doubled, leading to serious overcrowding, and several disturbances in federal institutions. In the aftermath of the most serious incident in Kingston penitentiary in October 1932, the Archambault Commission was established to examine the federal corrections system.

The Archambault Commission (1936-1938) made eighty-eight recommendations for reform. Proposals were developed for overhaul of the management of institutions, for inmate supervision and treatment, and for staff training and selection. The Commission also recommended construction of separate federal prisons for women, and for young adult male offenders, and treatment for juvenile offenders modelled on the English Borstal program. Other recommendations addressed the need for extension of juvenile and family courts, and the adult probation system, and for provision of government funding for organizations delivering aftercare services for released offenders.

A new *Penitentiary Act* was drafted in 1939, following the Archambault Commission, but it was not enacted until after the Second World War. In fact, the post-war years saw considerable progress for reform, although implementation was constrained by resource shortages. The first classification officers in penitentiaries were appointed. Steps were taken to provide federal funding for voluntary organizations serving released offenders, and the Federal Training Centre, a Borstal style institution for "reformable" males (aged 16 to 21), was opened at Laval, Quebec.

3.3 THE GROWTH YEARS

As Canada entered the 1950s, economic growth and national optimism spurred governments at all levels to turn their attention to reform of the criminal justice system. In 1953, the federal government appointed the Fauteux Commission to examine the principles and procedures of the Remission Service. The Commission reported in 1956, leading to replacement of the *Ticket of Leave Act* with the *Parole Act*, and the creation of the National Parole Board in 1959. The Act assigned to the Board the authority to grant release on parole, to set conditions for release, and to revoke the release of persons in penitentiaries or in correctional institutions in provinces/territories without their own parole boards.

In 1961, the *Penitentiary Act* was revised to include two forms of remission of sentence (statutory and earned). Through statutory remission, one quarter of the sentence was credited to the offender at the outset of incarceration, but could be lost as punishment for unacceptable institutional behaviour. Earned remission provided, in addition to statutory remission, the opportunity for offenders to earn three days of remission for each month of good behaviour. Once earned, these additional days could not be lost. In combination, statutory and earned remission could amount to about one-third of sentence. During the portion of the remitted sentence spent in the community, the offender was not supervised.

Changes in legislation were accompanied by major revisions to penitentiary administration. Psychiatric treatment facilities were developed. Rigorous standards were established for staff selection and training. An extensive construction program was also launched which expanded capacity from 9 institutions (all maximum security) in 1958, to 34 in 1969 (6 minimum security, 9 medium, 19 maximum). New accommodation was required not only for the segregation of various types of offenders, but also for housing the rapidly growing inmate population. From 1947 to 1960, the inmate population had almost doubled, from 3362 to 6344. The population grew by an additional 20% by 1970 (to over 7600).

During the 1960s, contrary to criminological theory, the crime rate, and the prison population increased as employment, wages, and other indicators of a healthy economy rose. At the same time, the federal systems of corrections and policing grew rapidly in size and complexity, contributing in part, to the establishment of the

federal Department of the Solicitor General in 1966. The Solicitor General was assigned responsibility for the Canadian Penitentiary Service, the National Parole Service, the National Parole Board, and the Royal Canadian Mounted Police, which had previously been the responsibility of the Minister of Justice.

In 1969, the Canadian Committee on Corrections published a report with about sixty recommendations for the Solicitor General. The Committee conceptualized parole as a treatment oriented measure - a method of supervision and assistance for offenders to reintegrate with society. Two criteria were proposed as measures of success for parole - whether the offender successfully completed the parole period, and whether the offender's total correctional experience led to his or her not reoffending. The Committee's recommendations included:

- separation of the National Parole Board and the National Parole Service which provided advisory and investigatory parole services for the Board. This separation was recommended to preserve the quasi - judicial independence of the Board;

- increase in the number of NPB members (the Board had 5 members at the time), and selection of Board members who were representative of the communities served by the Board;

- provisions for offenders to appear at parole hearings, and to receive decisions, with reasons for decisions, in an expeditious manner;

- provisions for ensuring that offenders released on remission credits would be subject to supervision in the community.

In 1970, the *Parole Act* was amended to require offenders released on their remission credits to be subject to supervision in the community. This type of remission - based release became known as mandatory supervision (MS). Under the revised *Parole Act*, the Parole Board was given authority to set conditions for release on MS, and to revoke release for violation of these conditions.

The Office of the Correctional Investigator was established on June 7, 1973 in part as a response to the report of the Commission of Inquiry into Certain Disturbances at Kingston Penitentiary (Swackhamer Report) which had clearly identified the need for an independent avenue of redress for inmate complaints. The Correctional Investigator was initially appointed as a Commissioner pursuant to Part II of the *Inquiries Act* with a mandate to investigate on his/her own initiative or on a complaint from or on behalf of inmates and to report upon problems of inmates that came within the responsibility of the Solicitor General.

In July 1976, Parliament enacted Bill C-84 (*Peace and Security Legislation*) which abolished capital punishment as the penalty for murder, and established parole eligibility at 25 years for first degree murder, and at 10 to 25 years for second degree murder. Bill C-84 was followed by Bill C-57 in 1977, which replaced legislation dealing with habitual criminals and dangerous sexual offenders with dangerous offender (DO) legislation. DO legislation continued indeterminate sentences and expanded the range of offences for indeterminate sentences beyond sex offences. Statutory remission was abolished and replaced by an equivalent amount of earned remission. As well, offenders could choose to remain incarcerated to sentence expiry, rather than accepting a release on MS. The NPB was relieved of responsibility for the National Parole Service, which became a responsibility of the Correctional Service of Canada. The Board was increased from 19 to 26 members, and provision was made for appointment of temporary Board members to help with workload. The *Parole Act* was amended again in 1978 to allow for establishment of regional parole boards.

Throughout the 1970s, concerns were raised about the automatic nature of earned remission, and release on MS. There was a growing perception that some offenders released on MS were presenting a clear danger to public safety. They were, by definition, deemed unsuitable for parole, yet, because of remission for

institutional behaviour, these offenders were automatically entitled to be discharged from custody. These concerns were echoed in a number of important studies including: the Task Force Report on the Release of Inmates in 1973; the Report of the Standing Senate Committee on Legal and Constitutional Affairs in 1974; the Law Reform Commission's Study on Imprisonment in 1976; and the Report of the Committee on Mandatory Supervision in 1981. All recognized the value of community supervision for offenders released on MS, but serious concerns persisted about offenders who posed an imminent danger to public safety, and who had to be released by law.

In 1982, to address concerns for public safety, the NPB began "gating" offenders considered dangerous. In these cases, the offender was released on MS, but upon reaching the gate of the institution, a warrant of apprehension and suspension of MS was executed, thereby suspending the MS and returning the offender to custody. After 11 offenders were "gated", the Supreme Court of Canada ruled against the practice (May 1983), stating that NPB's power to suspend an offender's release must relate to post-release conduct, not to conduct prior to release.

The *Charter of Rights and Freedoms*, introduced in 1982, focussed debate about the appropriate balance between individual rights and collective interests, universal and targeted programs, the primacy of Parliament and the need for appropriate constraints on the powers of the state.

The *Charter* and evolving jurisprudence created growing pressures within the criminal justice community for the system to operate fairly. The duty to act fairly was interpreted as placing increased demands on administrative bodies to conduct their business in an open and professional manner.

In response to *Charter* issues, CSC and NPB undertook major reviews of policy and procedure to ensure that no systemic barriers existed to fair and equitable treatment of offenders. Decision processes and the sharing of information were adapted to respect the duty to act fairly. In addition, extensive measures were introduced to ensure that policy and processes respected the needs of diverse groups including Aboriginal offenders, visible minorities and women.

3.4 CCRA DEVELOPMENT - 1986 TO 1992

In 1986, Parliament enacted Bill C-67 to address concerns about offenders who posed an imminent danger to the community, but who had to be released on MS. Known as the detention provisions, this legislation provided NPB with the authority to detain an offender beyond the MS release date to the expiration of sentence, based on a three step test:

- Determination that the offender was serving a sentence for an offence on a newly created schedule to the *Parole Act*;
- Determination that the offence caused death or serious harm to the victim ; and/or
- Identification of reasonable grounds to believe the offender was likely, before the expiration of sentence, to commit an offence causing death or serious harm.

Measures were also established for offenders who were referred for detention but not detained, yet presented a significant risk to the community. The Bill allowed NPB to impose a condition requiring offenders to reside in a community facility while on MS, or to release offenders on one-chance MS. For one-chance MS, an offender referred for detention would not be detained, but rather would be released on MS with the provision that if the MS was revoked, the offender would be returned to prison until the end of sentence.

Legislative change continued in 1987, as the *Parole Act* was revised to set day parole eligibility at one sixth of sentence, and to introduce automatic review of offenders for day parole. That is, offenders did not have to apply for day parole. Instead their cases were reviewed automatically by the Board each year.

In August 1988, the Standing Committee on Justice and the Solicitor General released its report entitled "Taking Responsibility". This report made numerous recommendations for reform, emphasizing the need for restoration of public confidence in criminal justice, and for greater openness, accountability and effectiveness. In June 1990, in response to the report of the Standing Committee, and as a foundation for legislative revision, the government released a consultation package entitled "Directions for Reform" which spanned sentencing, sentence administration, and conditional release, and recommended change to build public understanding and confidence in corrections and conditional release.

Proposed reforms focussed on public safety and correctional effectiveness, seeking to assure Canadians that offenders who committed a serious act of violence would serve an appropriate portion of their sentence in penitentiary before becoming eligible for parole. Proposals addressed the need for greater integration across the justice system, emphasizing improved collection, and use of information, and the need for greater openness and accountability in corrections and conditional release. Finally, "Directions for Reform" recognized the need for statements of purpose and principles for corrections and conditional release which would provide a strategic framework for fair, and accountable program delivery.

In 1991, the Standing Committee on Justice and the Solicitor General reviewed the detention provisions of the *Parole Act*. The Committee's report, issued in June 1991, supported continuation of detention, and made numerous recommendations for reform. The majority of these recommendations were accepted and implemented by the government, including the recommendation to conduct research on the disproportionate impact of the detention provisions on Aboriginal offenders. The resulting report by CSC and NPB illustrated that Aboriginal offenders were referred for detention at higher rates than non-aboriginals, but Aboriginals were detained at the same rate as non-aboriginals. The report also identified a lack of Aboriginal - specific programming to help reduce the risk these offenders presented to the community, and a lack of Aboriginal representation among correctional decision-makers.

The *Corrections and Conditional Release Act*, passed in November 1992, combined the *Parole Act* and the *Penitentiary Act*, and brought profound change to the policies, and operations of the Board and CSC. The Act recognized public safety as the paramount consideration in correctional and conditional release decisions. In this context, it included provisions for dealing expeditiously with non-violent, first time federal offenders, recognizing that CSC and the Board should focus efforts on high risk, violent offenders. Day parole was characterized as preparation for full parole or statutory release, and day parole eligibility was set later in the sentence. Schedule I of the previous *Parole Act* was expanded to include additional sexual offences. Schedule II, which included serious drug offences, was added to the Act. These schedules were to be used as criteria for referral for detention.

Other key changes were designed to enhance the openness and accountability of CSC and the Board. Through these provisions, the Act recognized the need to collect information from, and provide information to victims, permitted observers at NPB hearings, and provided access to NPB decisions through the decision registry. The Act confirmed, in statute, the Office of the Correctional Investigator to examine problems experienced by inmates under the responsibility of the Solicitor General, and to support fairness in decision processes. The Act also addressed the needs of special groups including Aboriginal offenders, and women offenders.

3.5 POST - CCRA REFORM

In 1994, the Arbour Commission was established to review incidents which occurred at the Prison For Women (P4W) in Kingston involving the strip-search of female offenders by male members of an institutional emergency response team (IERT), and the related use of force and administrative segregation.

The Commission was assigned responsibility for making independent findings of fact regarding incidents at P4W, and recommending improvements to the policies and practices of the Correctional Service of Canada.

In March 1996, the Commission presented its report which emphasized the need for compliance with the law, and addressed issues such as the use of force, the use of administrative segregation, complaints and grievance processes, accountability in operations, programs for Aboriginal women, and cross-gender staffing in CSC. The recommendations of the Commission presented a wide range of challenges and opportunities to which CSC is currently responding to ensure guidance and control of operations, consistent with the law.

Bill C-45 (January 1996), amended the CCRA, particularly with respect to detention and statutory release. Recognizing that evidence of serious harm may not be available for youthful victims, either because of their inability to describe the injury, or because psychological harm may only appear long after the offence occurs, Bill C-45 removed the requirement to prove serious harm as a criterion for detention where the victim of a sexual offence is a child. The Bill expanded the schedule of offences used for referral of offenders for detention to include additional child sex offences, and provided NPB with the authority to impose residency as a condition of release on SR, without the need to be reviewed under the detention provisions of the Act. The Bill also amended the sentence calculation provisions to ensure that offenders who receive additional sentences are returned automatically to custody, and where the additional sentence is to be served consecutively, the offender must serve at least one-third of the new sentence before being eligible for parole.

In August 1997, Bill C-55 was proclaimed into force creating a "long-term offender" category to target sex offenders, and providing for up to ten years of supervision in the community after release from prison after the expiration of sentence. Provisions for high risk offenders were accompanied by measures (introduced in July 1997) for first-time, non-violent federal offenders including accelerated day parole review and directed release to day parole; earlier eligibility for day parole (at one sixth of sentence); and automatic review for day parole. These measures established consistency with the accelerated review provisions for full parole in the CCRA.

4. THE CCRA IN CONTEXT

The CCRA, like most significant policy or legislative initiatives, was not the result of a single issue or event, but rather was the culmination of years of work, and the integration of diverse concerns, perspectives, challenges and opportunities. Causal relationships are difficult to specify; however, the following are factors recognized as influential in development and implementation of the Act.

4.1 LAW AND ORDER AGENDA

Throughout the late 1970s and 1980s, Canadians expressed growing fear of crime, and concerns for public safety. Public opinion surveys showed that Canadians had diminishing confidence in the criminal justice system as a result of reports of inconsistent sentencing, tragic incidents involving offenders on conditional release, and violent crimes by repeat offenders. Canadians had little understanding of the criteria for sentencing or parole, or the purpose of corrections and conditional release. Surveys also showed that many Canadians (88%) felt that Canada must maintain a fair and effective justice system, and even more (95%) felt that the law needed to be constantly reviewed, and updated to reflect the impact of a changing society.

Public concerns over justice and community safety stimulated creation of what could be called a federal law and order agenda. Through this agenda, numerous measures were introduced including:

- new gun control laws;
- enhanced protection against sexual assault;
- tightening-up of the *Young Offenders Act*;
- improved security provisions in the *Immigration Act*;
- reforms to the *Extradition Act*.

Reform of law related to corrections and conditional release was perceived as a focal point for law and order. The consultation package entitled "Directions For Reform" was released by the government in 1990, to gather public input to the process of reform.

4.2 VICTIMS OF CRIME

Public pressure mounted during the 1980s for formal recognition of the role of victims in the administration of justice, and for development of services to meet victims' needs. Diverse initiatives were launched at all jurisdictional levels, including federal/provincial agreement on principles for victims of crime, measures for police-based victim services, victim compensation programs, and court-based programs for victim impact statements. Access to information about offenders, and particularly information about conditional release of offenders, was identified as a priority by victims' groups and the public.

4.3 ABORIGINAL JUSTICE

The years leading up to the CCRA presented complex challenges involving Aboriginal peoples and criminal justice. Research had demonstrated persistent Aboriginal over-representation at all levels of the justice system, including federal corrections. Data had shown that Aboriginal offenders were more likely than non-aboriginals to be serving their sentence in an institution than in the community on conditional release. If released, Aboriginal offenders were more likely to be released on mandatory supervision than on parole. Aboriginal offenders were also more likely than non-Aboriginals to have their conditional release revoked for a breach of conditions. Greater recognition and understanding of Aboriginal community issues, and Aboriginal cultures and traditions were identified as crucial in addressing these concerns. While issues of over-representation presented serious challenges, CCRA consultations tended to focus on Aboriginal self-government, a separate justice system, and implementation of strategies for supporting the development of

Aboriginal communities. Revised legal frameworks, and jurisdictional arrangements were central to proposals for legislative reform from Aboriginal groups.

4.4 CRIME RATES

The 15-year period leading up to the CCRA demonstrated considerable growth in crime rates in Canada. The total crime rate rose by about 40%. Rates of property crime and other *Criminal Code* incidents per 100,000 population rose by 28% and 52% respectively. The largest increase, however, occurred in rates of violent crime (86%). Growth in the violent crime rate was sharpest in the years just prior to 1992. Crime rates have declined steadily since 1992, including a 10% decline in the rate of violent crime.

TABLE 1
RATES OF CRIMINAL CODE INCIDENTS PER 100,000 POPULATION [1]

Offence Type	1978	1980	1982	1984	1986	1988	1990	1992	1994	1996
Violent	578	634	669	698	782	865	970	1077	1038	971
Property	4565	5427	5821	5481	5528	5419	5523	5868	5211	5161
Other Crim. Code	1989	2256	2254	2177	2382	2603	2891	3033	2796	2570
Total [2]	**7132**	**8317**	**8744**	**8356**	**8692**	**8887**	**9454**	**9978**	**9045**	**8702**

[1] Source: Statistics Canada, Uniform Crime Reports. [2] Excludes traffic incidents.

Increases in crime rates, especially violent crime, and media coverage of tragic incidents involving offenders on conditional release created widespread pressure for the justice system, and in particular corrections and conditional release, to deal more effectively with high risk, violent offenders.

4.5 FEDERAL OFFENDER POPULATION

Population Growth: Long-term increases in crime were accompanied by growth in the total federal offender population. From 1978/79 to 1992/93, this population rose by 56%, or at an average annual rate of 3.4%. The incarcerated population grew by 52%, or 3.7% per year, while the conditional release population grew by 61%, for an average annual rate of 4.3%.

The offender population continued to grow in 1993/94, increasing by about 5%. The incarcerated population rose by 8%, while the conditional release population rose by 2%. In 1994/95, the growth trend continued for the total population (+ 1%), and the incarcerated population (+ 4%), but the conditional release population fell by 5%. The conditional release population continued to decline in 1995/96 and 1996/97 (by 2%), while the incarcerated population, and the total offender population dropped by about 1%. In fact, after years of growth, the offender population has remained relatively stable in the past four years.

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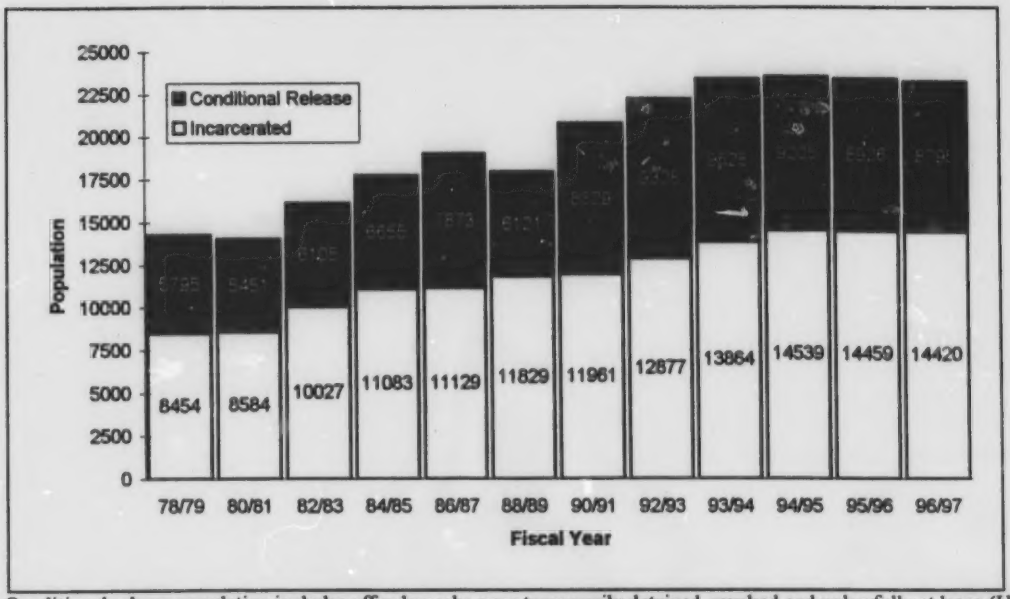
FIGURE 1
FEDERAL OFFENDER POPULATION



Conditional release population includes offenders who were temporarily detained, revoked and unlawfully at large (UAL) and released and deported. Source: OMS

Conditional Release Population: Under the *Parole Act* there were three main types of conditional release:

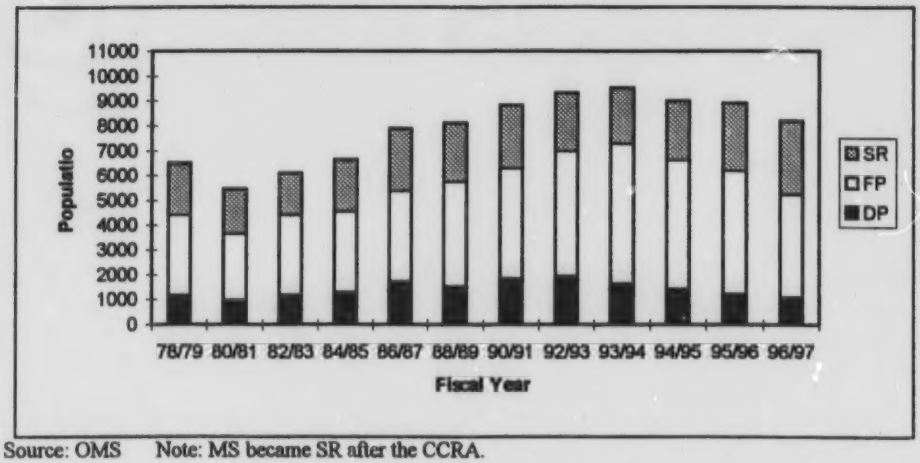
- day parole (DP) which provided offenders with the opportunity to participate in treatment or programs in the community. Offenders on day parole normally returned each night to an institution or a community residence.

- full parole (FP) which allowed offenders to serve a portion of their sentence in the community under supervision. Offenders on full parole (and day parole) were released at the discretion of the NPB based on an assessment of risk of reoffending. Parolees were required to abide by conditions designed to reduce risk and foster reintegration. Non-compliance with specified conditions could result in return to incarceration.

- mandatory supervision (MS) which provided offenders who had not been granted parole, with an opportunity to serve the final third of their sentence in the community, as a result of remission of sentence. Offenders released on MS were supervised in the community, and had to adhere to the same type of conditions applied to offenders on parole.

In the years leading to the CCRA, about 5 of every 10 offenders on conditional release were full parolees (46% to 54%). The FP population ranged from 2700 to 5700. Day parolees comprised about 2 of every 10 offenders on conditional release (18% to 22%) and ranged in number from about 1000 to 1900. Offenders on MS represented about 3 of every 10 offenders on conditional release (25% to 32%), and ranged in number from about 1600 to 2500. After the CCRA, the conditional release population shifted in size and composition. Day parolees declined annually from 1992/93 to 1996/97, in number (from 1927 to 1079), and as a proportion of the released population (21% to 12%). The FP population declined in number (5,070 to 4,779), but remained steady as a proportion of the conditional release population.The statutory release (SR) population (formerly MS) demonstrated steady growth, from 2,341 to 2,936 (from 23% to 33%).

FIGURE 2
FEDERAL CONDITIONAL RELEASE POPULATION



Source: OMS Note: MS became SR after the CCRA.

Offence Profiles: For years, corrections and conditional release have sought to distinguish between offenders demonstrating violent and non-violent criminal behaviour. Recidivism prediction instruments have traditionally recognized past violent behaviour as a key indicator for potential future violence. Conditional release legislation recognized the distinction between violent and non-violent offenders in 1986, when the *Parole Act* was amended to include schedule I, a list of offences involving violence against the person. This list was used as a criterion for referral for detention.

Prior to the CCRA, about 5 of every 10 (47% to 49%) warrant of committal (WOC) admissions each year involved violent offences (excluding murders). Admissions for non-violent offences showed wider variation, ranging from 33% to 40%. WOC admissions for drug offences also varied, from 8% to 15% of annual admissions, while WOC admissions involving murder remained stable at 3% or 4%.

TABLE 2
OFFENCE PROFILE WARRANT OF COMMITTAL ADMISSIONS[1]

Year	Non-Violent %	Violent [2] %	Drugs [3] %	Murder %
1978/79	38	47	14	4
1980/81	37	48	11	4
1982/83	39	49	8	4
1984/85	40	48	8	4
1986/87	38	48	10	4
1988/89	36	49	12	3
1990/91	33	48	15	4
1992/93	27	56	14	3
1993/94	24	56	17	3
1994/95	20	59	17	4
1995/96	20	58	18	4

[1] Excludes admissions for which admission offences were unknown. [2] Violent offences became schedule I offences after Bill C-67 in 1986. [3] Serious drug offences became schedule II offences after CCRA in 1992. Source: Statistics Canada

The post-CCRA years showed noteworthy differences in WOC admissions. Admissions for violent offences (excluding murders) rose from 48% to 58% of all WOC admissions, while drug offences rose moderately to 18%. Admissions for non-violent offences dropped to 20%,and admissions for murder remained stable at 4%.

TABLE 3 OFFENCE PROFILE - FEDERAL INCARCERATED POPULATION				
Year	Non-Violent %	Violent[1] %	Drug[2] %	Murder %
1978/79	32	48	9	11
1980/81	31	49	9	11
1982/83	33	50	6	11
1984/85	32	50	6	12
1986/87	36	46	6	12
1988/89	32	49	6	13
1990/91	29	51	8	12
1992/93	28	51	9	12
1993/94	16	63	7	14
1994/95	15	63	9	14
1995/96	13	63	9	15
1996/97	12	64	9	15

[1] Violent offences became schedule I offences after Bill C-67 in 1986. Source: STATISTICS CANADA, OMS

[2] Serious drug offences became schedule II offences after the CCRA in 1992.

The offence profile of the incarcerated population reflects trends in WOC admissons. Prior to the CCRA, offenders convicted for a violent offence (excluding murders) comprised 46% to 51% of the incarcerated population. Non-violent offenders represented 28% to 36%. Drug offenders (6% - 9%), and offenders convicted for murder (11% - 13%) remained stable as proportions of the incarcerated population. After the CCRA, the offence profile of the incarcerated population shifted. By 1996/97, offenders convicted for violent offences (excluding murders) increased to 64% of the incarcerated population, while non-violent offenders decreased to 12%. Growth in the proportion of offenders with violent offences may be attributed to numerous factors including expansion of offences listed in Schedule I of the Act, and growth in admissions of sex offenders. Drug offenders, and offenders convicted for murder comprised 9% and 15% respectively. Increases in the proportion of offenders serving a sentence for murder reflects the impact of the accumulation of offenders with life sentences.

Sentence Lengths: During the review period, 7 or 8 of every 10 offenders admitted on a warrant of committal received a sentence of five years or less. About 2 in 10 WOC admissions involved sentences of 5 to 10 years. The remaining admissions were distributed evenly across sentences of over 10 years or life sentences. The average sentence length in months for WOC admissions ranged from 43.4 to 46.4.

TABLE 4 WARRANT OF COMMITTAL ADMISSIONS - AGGREGATE SENTENCE ON ADMISSION					
Year	Less than 5 years %	5 years and under 10 %	10 years and over %	Life %	Average sentence in months
1978/79	74	18	4	4	44.8
1980/81	72	19	4	4	44.6
1982/83	76	16	4	4	45.6
1984/85	74	18	4	4	46.4
1986/87	76	17	3	4	44.2
1988/89	76	16	4	4	46.2
1990/91	76	16	4	4	44.9
1992/93	78	16	3	3	43.4
1993/94	75	18	3	4	43.9
1994/95	75	18	4	4	44.0
1995/96	76	16	3	4	45.9

Source: Statistics Canada - Adult Correctional Services in Canada

4.6 INSTITUTIONAL CAPACITY AND COSTS

Steady growth in the number of federal offenders, and greater complexity in offender population management generated the need for expanded capacity in federal institutions, and significant resource increases in corrections and conditional release.

TABLE 5
FEDERAL INSTITUTIONS AND INSTITUTIONAL CAPACITY [1]

Year	CCC [2]	Minimum	Medium	Maximum	Total	Capacity [3]	Incarcerated Population
1978/79	16	16	15	15	62	9,688	8,454
1980/81	18	12	15	14	59	9,113	8,584
1982/83	20	11	15	15	61	10,523	10,027
1984/85	20	13	16	15	64	9,753	11,083
1986/87	15	12	16	19	62	10,845	11,129
1988/89	13	11	17	19	60	10,607	11,829
1990/91	13	13	16	19	61	10,501	11,961
1992/93	14	14	18	14	60	10,770	12,877
1993/94	15	11	19	11	56	11,024	13,864
1994/95	15	12	23	10	60	12,679	14,539
1995/96	17	13	26	10	66	12,446	14,459

[1] Source: Statistics Canada - Adult Correctional Services in Canada. [2] Community Correctional Centre.
[3] Excludes special purpose beds (e.g. hospital beds).

The number of federal institutions remained relatively stable from 1978/79 to 1992/93, but the capacity of these institutions increased from 9,688 to 10,770, or by 10%. In comparison, the incarcerated population rose by 52%, and by 1992/93 exceeded institutional capacity by over 2,100 offenders (20%). In the post - CCRA period, the number of institutions increased (to 66) as a result of construction of facilities for women offenders, and offender capacity increased to 12,446. Capacity remained about 15% lower than the incarcerated population.

TABLE 6
FEDERAL EXPENDITURES[1] - CORRECTIONS AND CONDITIONAL RELEASE

	$000					
	Correctional Service [3]			National		Offender
Year	Operating	Capital	Sub-Total	Parole Board	Total	Population
1978/79	[2]	[2]	353,900	7,100	361,000	14,249
1980/81	384,100	37,000	421,100	8,900	430,000	14,035
1982/83	489,615	66,299	555,914	12,202	568,116	16,132
1984/85	607,155	132,745	739,900	13,962	753,862	17,738
1986/87	657,484	101,745	759,229	15,779	775,008	19,002
1988/89	669,897	92,758	762,655	18,480	781,135	19,949
1990/91	838,323	88,313	926,636	23,718	950,354	20,790
1992/93	834,901	123,112	958,824	24,395	983,219	22,206
1993/94	857,677	131,689	986,361	24,316	1,013,677	23,392
1994/95	888,591	150,154	1,038,745	24,659	1,063,404	23,544
1995/96	923,901	177,169	1,101,070	24,986	1,126,056	23,215

[1] Expenditures in current dollars. [2] Distribution of expenditures for 1978/79 is not known. [3] CSC expenditures exclude costs for CCRA
Source: Statistics Canada – Adult Correctional Services in Canada.

Federal expenditures for corrections and conditional release grew by 172% from 1978/79 to 1992/93, or at a rate of about 11% annually. In comparison, the federal offender population rose by about 56%, for an average annual growth rate of 4%. In the post - CCRA years, expenditures continued to rise, growing by 15% from

1992/93 to 1995/96, or about 4% annually. The offender population declined slightly in this period. CSC consistently accounted for about 98% of annual expenditures, and NPB accounted for about 2%.

Federal expenditures grew most rapidly in the mid-1980s, coincidental with government programs of deficit reduction and restraint, creating significant pressures for enhanced effectiveness and efficiency in federal corrections and conditional release. As program expenditures continued to rise in the post-CCRA period, there was much debate of alternatives to incarceration for non-violent offenders, and for community-based crime prevention initiatives.

4.7 LEGISLATIVE INTENT

The CCRA was developed in a complex and dynamic environment characterized by rising crime rates, fear of crime, concern for victims' issues and for Aboriginal justice, and pressures for fiscal restraint. Against this backdrop, the CCRA was portrayed as a tightening-up of corrections and conditional release designed to restore public confidence in the justice system. Legislative reform proposed improvements along four thematic lines:

- public safety and reintegration;
- openness and accountability;
- fair processes and equitable decisions; and
- special groups, special needs.

Public Safety and Reintegration: The CCRA identified risk of reoffending as the dominant criterion in conditional release decision-making. The Act introduced numerous measures to demonstrate the emphasis that was to be placed on public safety and risk assessment, and in particular, risk assessment for violent offenders.

The Act required classification of offenders by CSC in three categories of risk (maximum, medium or minimum) based on individual risk assessment, and prohibited offenders classified as maximum security from eligibility for unescorted temporary absences (UTAs). NPB retained authority to approve UTAs for offenders serving a life sentence or an indeterminate sentence, for offenders sentenced for a violent offence (schedule I), and for offenders referred for detention. The Act also defined UTAs to emphasize their value as tools to support correctional treatment, and highlighted the need to link UTAs to correctional purposes.

Timely, reliable information about offenders was identified as the foundation for effective risk assessment and decision-making. The Act recognized the importance of information flow across the justice system, requiring CSC to take all reasonable steps to obtain relevant information, including reasons for sentence, recommendations of the sentencing court, and young offender information. NPB was required to establish measures for ensuring that all relevant information for risk assessment and decision-making is considered by Board members.

The day parole program underwent significant change with introduction of the CCRA. Its purpose was clarified to specify its use as preparation for release on full parole or statutory release. Eligibility for day parole was moved to six months before full parole eligibility (FP eligibility generally remained at one-third of sentence), as opposed to the one-sixth point of the sentence prior to the CCRA. In application, this was expected to result in offenders with sentences of more than three years serving longer periods in institutions prior to day parole eligibility. The CCRA also required offenders to apply for day parole as opposed to the process of automatic review by NPB, which was in place prior to the new Act.

Reform of full parole reflected concerns for public safety, and the need to focus on high risk, violent offenders. The CCRA provided sentencing judges with the authority to set full parole eligibility at one-half of

sentence for violent and serious drug offenders, where warranted by the circumstances of the offence. Rigorous case-specific risk assessment was emphasized for violent offenders. Recognizing that violent and non-violent offenders need not be subject to the same conditional release processes, the CCRA introduced accelerated parole review (APR) in which first-time, non-violent federal offenders were to be directed to release on full parole after determination that they did not pose a risk of violent reoffending prior to warrant expiry. Working papers for the CCRA estimated that the APR approach would increase the parole rate for property offenders from 55% to 60%, while the rate for drug offenders would remain about 85%. (Drug offenders given one-half time parole eligibility were excluded from APR). Working papers also estimated that offenders directed to full parole following APR would serve about 33% of their sentence incarcerated, compared with over 40% prior to APR.

The Act abolished remission of sentence and mandatory supervision, and replaced them with statutory release (SR) at the two-thirds point of the sentence. The CCRA amended the detention provisions to support public safety. Detention became a mechanism for managing offenders who were assessed as posing imminent danger of violent reoffending, and who were approaching automatic release at the two-thirds point in the sentence. The list of violent offences (schedule I) used as a criterion for referral for detention was expanded to include additional sexual offences. Schedule II (serious drug offences) was added to the Act in recognition of public concern over the importation and trafficking of drugs, and their links to organized crime. Offenders convicted of serious drug offences could also be referred for detention.

The CCRA revised post-release interventions to enhance public protection. Criteria for suspension, termination and revocation of conditional release were made specific. Offenders revoked on SR became ineligible for subsequent release on SR for six months, or two-thirds of the remainder of the sentence, whichever is longer. The CCRA also recognized the benefit from high quality programs to assist offenders with community reintegration. Areas identified as critical for effective treatment strategies included: drug and alcohol abuse; living skills; mental disorders; and violent sexual reoffending.

Openness and Accountability: Restoration of public confidence, and greater public understanding for corrections and conditional release required measures to enhance the openness and accountability of CSC and NPB. Statements of purpose and principles, and clear criteria for parole were identified as important aspects of openness and accountability. Other important measures included:

- recognition of victims. the CCRA recognized the interests of victims in corrections and conditional release processes, and the need for accountability to victims in these processes. The Act reinforced measures for collection and use of information from victims, and established new provisions for the release of information to victims by CSC and NPB.

- observers at NPB hearings - the Act provided NPB with authority to permit observers at hearings, consistent with the need to preserve the hearing process, protect third party interests, and maintain institutional security.

- creation of a decision registry - the Act provided access to conditional release decisions, and reasons for decisions through the registry. Case specific information is provided to those with an interest in the case (e.g. victims or their representatives, the media, the offender's family). The registry also provides for access to decision information for research purposes; however, for research, the specific decisions and reasons for decisions are stripped of personal identifiers.

- employee professionalism - the CCRA recognized the need for a competent and professional workforce in CSC and NPB, and the critical role played by employees in the attainment of the purpose and principles outlined in the Act.

Fair Processes and Accountable Decisions: The CCRA recognized the need to foster and support fairness, equity, timeliness and effectiveness in processes involving offenders. Legislated statements of purpose and principles were perceived as critical for fairness and equity. These statements were reinforced through legislation, which provided:

- clear criteria to govern decisions concerning institutional placement, transfer and administrative segregation.
- direction for institutional staff and staff of community-based residential centres in performing searches and seizures, consistent with the Charter, and institutional requirements for safety and investigation.
- clarification of the disciplinary process to provide a sound structure for dealing with disciplinary offences, including a range of sanctions such as restitution, and extra duties designed to increase offenders' responsibilities for their actions.
- the requirement in law, for the creation of grievance procedures at every penitentiary, and provision of access to these procedures for every offender.
- requirements for disclosure to offenders of all information relevant to decision-making affecting their liberty or other significant interests, and for provision of an opportunity to respond.
- for inclusion in the CCRA of the Correctional Investigator as an ombudsman for federal corrections.

Special Groups, Special Needs: Prior to the CCRA, some women's groups and other organizations criticised the correctional system for apparent disparity in treatment and program availability, and institutional placement for women offenders. Through the CCRA, programs and services suited to the needs of women offenders were recognized as a priority. In addition, the Act introduced provisions which require that availability of programs, proximity to family, community support, and security classification be considered in any decision for offender placement or transfer.

The CCRA attempted to address challenges involving Aboriginal people and corrections and conditional release. The Act endorsed greater Aboriginal involvement in, and control over matters affecting Aboriginal offenders, enabling CSC to enter into agreements with Aboriginal communities, and Aboriginal correctional authorities for control and custody of Aboriginal offenders. CCRA provisions also ensured that policies and programs sensitive to the needs of Aboriginal offenders would be available, and that Aboriginal spirituality and spiritual leaders would be accorded the same status, protections, and privileges as other religions and religious leaders.

Quality health services for federal offenders were also a priority in the CCRA. The Act reinforced the notion that all inmates should have access to essential health care. Recognizing the number of inmates who suffer from mental health problems, the legislation also guarantees reasonable access to mental health care.

5. DETAILED INFORMATION ON THE PROVISIONS AND OPERATIONS OF THE ACT

This section presents extensive information on corrections and conditional release, particularly in the context of legislative reform introduced with the CCRA in November 1992. The purpose and principles outlined in the Act are presented here for reference, and as a strategic framework for the extensive operational information that follows.

5.1 STRATEGIC FRAMEWORK - PURPOSE AND PRINCIPLES

The CCRA has three sections. The first deals primarily with CSC and issues of corrections. The second addresses conditional release and NPB, and the final section creates the Office of the Correctional Investigator. While the law is presented in three sections, it operates as a continuum. The statements of purpose and principles in the Act guide activities along this continuum, providing a strategic framework for effective and accountable corrections and conditional release.

Detailed information on CCRA implementation illustrates that there have been some instances of unexpected impacts and effects. For the most part, however, the provisions of the Act have been implemented as intended, yielding anticipated results. Statements of purpose and principles included in the CCRA are considered a contributing factor in consistent legislative implementation.

CORRECTIONS

The purpose of the federal correctional system is to contribute to the maintenance of a just, peaceful and safe society by

a)carrying-out sentences imposed by courts through the safe and humane custody and supervision of offenders; and

b)assisting the rehabilitation of offenders and their reintegration into the community as law-abiding citizens through the provision of programs in penitentiaries and in the community.

The principles that shall guide the Service in achieving its purpose ... are:

a) that the protection of society be the paramount consideration in the corrections process;

b) that the sentence be carried out having regard to all relevant available information, including the stated reasons and recommendations of the sentencing judge, other information from the trial or sentencing process, the release policies of, and any comments from the National Parole Board,

CONDITIONAL RELEASE

The purpose of conditional release is to contribute to the maintenance of a just, peaceful and safe society by means of decisions on the timing and conditions of release that will best facilitate the rehabilitation of offenders and their reintegration into the community as law-abiding citizens.

The principles that shall guide the Board and the provincial parole boards in achieving the purpose of conditional release are

a) that the protection of society be the paramount consideration in the determination of any case;

b) that parole boards take into consideration all available information that is relevant to the case, including the stated reasons and recommendations of the sentencing judge, any other information from the trial or the sentencing hearing, information and assessments provided by

and information obtained from victims and offenders;

c) that the Service enhance its effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system, and through communication about its correctional policies and programs to offenders, victims and the public;

d) that the Service use the least restrictive measures consistent with the protection of the public, staff members and offenders;

e) that offenders retain the rights and privileges of all members of society, except those rights and privileges that are necessarily removed or restricted as a consequence of the sentence;

f) that the Service facilitate the involvement of members of the public in matters relating to the operations of the Service;

g) that correctional decisions be made in a forthright and fair manner, with access by the offender to an effective grievance procedure;

h) that correctional policies, programs and practices respect gender, ethnic, cultural and linguistic differences and be responsive to the special needs of women and aboriginal peoples, as well as to the needs of other groups of offenders with special requirements;

i) That offenders are expected to obey penitentiary rules and conditions governing temporary absence, work release, parole and statutory release, and to actively participate in programs designed to promote their rehabilitation and reintegration; and

j) that staff members be properly selected and trained, and be given

(i) appropriate career development opportunities;

correctional authorities, and information obtained from victims and the offender.

c) that parole boards enhance their effectiveness and openness through the timely exchange of relevant information with other components of the criminal justice system, and through communication of their policies and programs to offenders, victims and the general public.

d) that parole boards make the least restrictive determination consistent with the protection of society;

e) that parole boards adopt and be guided by appropriate policies and that their members be provided with the training necessary to implement those policies; and

f) that offenders be provided with relevant information, reasons for decisions and access to the review of decisions in order to ensure a fair and understandable conditional release process.

(ii) *good working conditions, including a workplace environment that is free of practices that undermine a person's sense of personal dignity; and*

(iii) *opportunities to participate in the development of correctional policies and programs.*

Consistent with the statements of purpose and principles, the CCRA introduced legislative change along four thematic lines:

- public safety and reintegration;
- openness and accountability;
- fair processes, equitable decisions; and
- special groups, special needs.

Each of these areas is discussed in detail in subsequent sections of this report. Information is provided on the operations and provisions of the Act in the context of these themes for reform.

5.2 PUBLIC SAFETY AND REINTEGRATION

Many aspects of legislative reform were designed to enhance public safety and reintegration of offenders. This section discusses legislative provisions and operations in the 5 key areas of reform:

- pre-release issues;
- interim release programs;
- day parole;
- full parole, including APR;
- statutory release and detention.

5.2.1 PRE-RELEASE ISSUES

5.2.1.1 INFORMATION ABOUT OFFENDERS

Collection and sharing of information about offenders has been a long-standing issue. Difficulties have been observed with information sharing across jurisdictions, and among system components (e.g. police and corrections). There have also been issues with sharing between CSC and NPB. The need for better information on the criminal history of offenders was identified in the 1994 report of the Auditor General, was restated in the 1996 report, and was identified in CSC/NPB audits and investigations.

Introduction of the CCRA in 1992, and the simultaneous amendment of the *Criminal Code* gave the collection of offender information the force of law, and introduced two new requirements. The courts must provide information to CSC, and information concerning young offenders must be collected by CSC. The provinces are required to comply with requests for this information. For the CCRA review, a study was carried-out to assess:

a) whether effective agreements are in place for the sharing of information with provincial organizations, and between CSC and NPB, and that these agreements are supported by effective policy and process;

b) whether these mechanisms ensure that young offender information is obtained; and

c) what costs are incurred by CSC in the collection of information.

The study involved consultations with staff in CSC and NPB, and a review of a sample of new arrivals at federal institutions to examine the timeliness of information provided to CSC by various criminal justice partners. The study reviewed a wide range of information including: FPS sheets; police reports; pre-sentence reports; judge's comments; post-sentence community assessments; medical status; psychological or psychiatric reports for trial; Crown Attorney reports; victim impact statements; and young offenders' information.

SUMMARY OF FINDINGS

Formal information sharing agreements have been signed with 9 provinces and informal arrangements have been made with other jurisdictions. Difficulties have been experienced, however, with the timeliness of information received, and in some instances with the verification of the existence of information. Young offender information, which is especially important for APR cases, continues to present difficulties. Although CSC has been experiencing difficulty with the timeliness of information, data from the study indicate that information from outside sources is usually timely for NPB decision-making. Annual costs for information sharing agreements have been in the $500,000 range.

Information For CSC: Currently, there are nine formal and one informal information sharing agreements with provincial governments. These agreements specify the type of information required, and the costs to CSC. Through these agreements, the courts send information to the receiving facility, in most cases. This includes the pre-sentence report, judge's comments, crown recommendation, medical, psychiatric and psychological reports used in trial, and victim impact statements. In some provinces, the formal agreement authorizes the information to be provided by private court reporting agencies that invoice CSC for costs.

Inconsistent implementation of information sharing agreements has created some difficulties. For example, by CSC standards, much of the information about offenders is late, particularly for the "Offender Intake Assessment", a key element of CSC's efforts for classification of offenders according to their risk/needs level. Assessment of offenders' risk and needs is considered crucial, based on research which has shown that:

- factors related to an offender's criminal history are strongly related to failure on conditional release;
- there is a consistent relationship between the number and type of offenders' needs and recidivism; and
- the combined assessment of both risk and needs greatly improves the ability to predict which offenders will be recidivists.

In addition, CSC staff often encounter difficulties verifying that information received is complete. When a report is not received, it is difficult to determine whether the report is available, but overlooked by the provider, or unknown to the provider. In some cases, CSC staff become aware of a missing report through review of other documents. They must then request the missing document, perhaps resulting in delays. In other cases, a report arrives after transfer of the offender to another location. Findings from the study indicated the need for continued work to improve information sharing across jurisdictions and regions. Measures to improve results in these areas have been developed by CSC.

Information Sharing NPB/CSC: Based on the CCRA, the Board must consider all relevant information for risk-assessment and decision-making. CSC is the main source of information, providing over 90% of information that comes to the Board either from CSC on behalf of outside organizations or directly from CSC. As a result, NPB and CSC have entered into agreements for information sharing. The study indicates that

information from outside sources is timely for NPB decision-making in most cases, and that efforts to improve information from CSC are ongoing.

Young Offender (YO) Information: Young offender records are generally made available to CSC when they have been provided for the adult court involved in the federal sentence. There are instances, however, where the offender's Y.O. record was not obtained by the court. This seems to occur where the Y.O. information was recorded by a municipal police force and not sent to the RCMP for inclusion in CPIC or FPS records. Alternately, the charge may have been recorded in a province other than the province where the current adult conviction has been registered.

A review of a small sample of cases with known Y.O. records indicated that many were not included on the FPS, or could not be verified, as there was no FPS on the Offender Management System (OMS) used by CSC. In another small sample of offenders, about 30% actually had a Y.O. record in OMS, but these records were unknown to CSC staff, indicating that staff were not using the FPS/CPIC information available in OMS. Findings from this review also indicated the need for clarification regarding responsibility and processes for identification, retrieval and use of Y.O. records. An action plan has been developed by CSC for improvement in these areas.

Cost For Information Sharing: Prior to the CCRA, a commitment was made by CSC to pay the incremental costs incurred by the provinces for the provision of information required by the Act. This commitment was key in negotiating information sharing agreements. The costs for information sharing are in most of the federal/provincial regulations for court fees. Photo-copy costs range from $0.50 to $1.00 per page, and typed transcripts vary from $2.50 to $4.00 per page. Computer access to Quebec's court record system costs $0.79 per transaction. Courier costs are assessed as well. Since introduction of the CCRA, annual costs for information sharing have ranged from about $430,000 to $550,000. Costs have been highest in Ontario, followed by Quebec and the Prairies.

TABLE 7
COSTS OF INFORMATION SHARING

	Atlantic	Quebec	Ontario	Prairies	Pacific	Canada
1992/93	-	$218,767	$254,620	$526	$40,193	$514,907
1993/94	$9,104	$184,669	$261,856	$27,150	$51,181	$533,961
1994/95	$13,033	$135,909	$288,060	$34,883	$17,474	$489,359
1995/96	$16,325	$137,170	$196,036	$71,015	$16,199	$436,746
1996/97	$14,271	$173,711	$229,042	$114,681	$20,587	$552,292

Source: CSC Financial Systems

5.2.1.2 SECURITY CLASSIFICATION OF INMATES

The CCRA requires classification of offenders in three categories (maximum, medium, minimum) based on individual risk assessment. Offender classification represents one aspect of CSC's work over the last decade to introduce standardized assessment instruments and related protocols to guide correctional decisions from offender admission to sentence expiry.

Offender security classification is grounded in the belief that measurable differences exist among offenders. It is also supported by the growing evidence that offenders can be grouped into distinct categories according to their ability to adjust in institutions, their escape risk, and their risk to public safety, should they escape.

SUMMARY OF FINDINGS

Consistent with the intent of the CCRA, offenders are assigned a security classification on admission to prison. Results indicate that the initial security level determined by CSC (Custody Rating Scale) is associated with institutional behaviour, discretionary release and return to custody after release. Maximum security rated

offenders are most likely to have security incidents while in the institution, are less likely to be granted a discretionary release, and are more likely to have a conditional release revoked. Development of research-based tools for subsequent security reclassification based on institutional performance is underway.

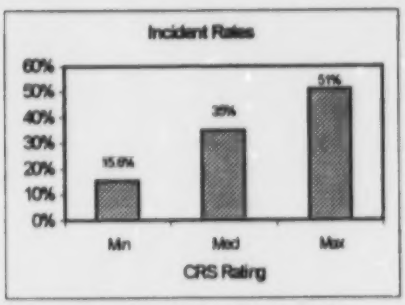
In August 1997, 67% of offenders had a custody rating scale (CRS) and this was an increase from 48% in 1995. Not all offenders will have a CRS on file until the entire population turns over, which will not occur for some time because of lengthy determinate sentences and indeterminate sentences.

Approximately three-quarters of inmates are placed in an institution with a security level consistent with their CRS rating. In most regions, this has been increasing with reduced use of overrides. The most common form of override is to place an offender in a higher level of security than that indicated by the CRS.

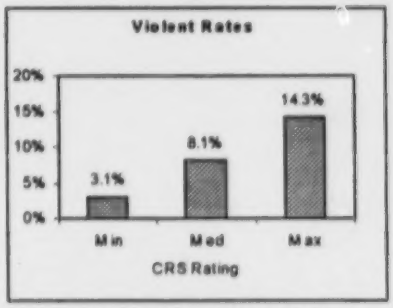
Custody Rating Scale: In 1996, CSC formally adopted the Custody Rating Scale (CRS) as the security classification instrument for the organization. This scale consists of two independently scored subscales - a five item institutional adjustment subscale, and a seven-item security risk subscale. Security classification is determined by combining the total scores, in accordance with predetermined protocols that specify cut-off values for minimum, and maximum security.

Recently, CSC conducted tests to assess the extent to which initial CRS classification ratings are confirmed by institutional behaviour. A number of indices of predictive validity were examined using data gathered after the CRS had been completed, and the penitentiary placement decision had been made. Figure 3 provides the rates of overall institutional incidents, violent incidents and escapes from minimum security among offenders classified as minimum, medium and maximum security by the CRS. As indicated, there are significant differences in the rates of misbehaviour across the various security ratings of the CRS.

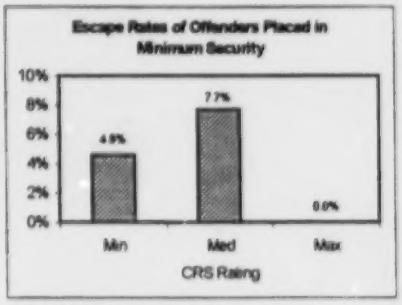
FIGURE 3
INCIDENT, VIOLENT AND ESCAPE RATES BY CRS OUTCOME



(Chi-square=305; p<.001; N=6,745)



(Chi-square=77; p<.001; N=6,745)



(MAX,Med combined: Chi-square=5.8; p<.05;N=1,590)

The annual incident rate, and the violent incident rate for minimum security offenders (15.6% and 3.1% respectively) are lower than those of offenders rated as medium security (35% and 8.1%), and markedly lower than those of offenders rated as maximum security (51% and 14.3%). The escape rate of offenders designated by the CRS as minimum security is significantly lower than that of offenders designated higher security by the CRS but placed to minimum security (4.6% versus 7.6%).

Similar results can be demonstrated for a variety of other predictive indices including drug and alcohol offences and conditional release adjustment. Offenders with a CRS of minimum were more likely to receive a subsequent day or full parole (80%) than offenders rated maximum (34%). Offenders rated minimum were also less likely (41%) to have their conditional release revoked than offenders rated maximum (84%). Overall, the CRS performed well in terms of categorizing offenders according to their relative risk for escape,

disruptive or violent behaviour, and drug and alcohol involvement, as well as according to their potential for, and behaviour on conditional release.

5.2.1.3 JUDICIAL DETERMINATION OF PAROLE ELIGIBILITY

The CCRA allows judges to lengthen the time that offenders who have committed violent or serious drug offences must serve in custody prior to parole eligibility (i.e. parole eligibility may be set at one-half of sentence or ten years whichever is less). With the CCRA, if an offender's parole eligibility was set through judicial determination, this offender became ineligible for accelerated parole review and directed release to full parole at one-third of sentence. With implementation of Bill C-55, judicially determined parole eligibility resulted in ineligibility for APR and day parole at one-sixth of sentence.

SUMMARY OF FINDINGS

Review of judicial determination indicates that these provisions have been applied in about 4% of potential cases since the CCRA. Consistent with legislative planning, they are being used to target violent offenders, as defined by schedule I of the CCRA. They are being used to a lesser degree for serious drug offenders as defined by schedule II of the Act. As expected, offenders who had their parole eligibility set through judicial determination were less likely to be released on parole and more likely to be released on SR than offenders who did not have judicially determined parole eligibility. Offenders with judicially determined parole eligibility were also twice as likely to be detained than offenders whose eligibility was not set through judicial determination. Aboriginal offenders represent about 17% of the judicial determination group, but only 12% of the federal offender population.

Frequency Of Use: Overall, the judicial determination provisions were applied for 632 offenders, or 3.5% of all those incarcerated for a scheduled offence from November 1, 1992 to March 31, 1997. The provisions have been used in 559 cases (3.9%) involving schedule I offences (violence against the person), and in 73 cases (1.8%) involving sentences for schedule II offences (serious drug offences).

TABLE 8
USE OF JUDICIAL DETERMINATION BY OFFENCE TYPE

Offence Type	Judicial Determination	No Judicial Determination	Total
Schedule I	559 (3.9%)	13,653 (96.1%)	14,212 (100%)
Schedule II	73 (1.8%)	3,886 (98.2%)	3,959 (100%)
Total I and II	632 (3.5%)	17,539 (96.5%)	18,171 (100%)

Source: OMS

Regional Use: Since introduction of the CCRA, the judicial determination provisions have been applied most frequently in Ontario (188 cases), followed by Alberta (120 cases) and Quebec (119 cases). The use of judicial determination peaked in 1993/94 (210 cases) and then declined, falling by almost 50% by 1996/97.

TABLE 9 USE OF JUDICIAL DETERMINATION BY SENTENCING PROVINCE/TERRITORY AND YEAR						
Province/Territory	92/93	93/94	94/95	95/96	96/97	Total
Newfoundland	4	16	5	1	2	28
Prince Edward Island	—	2	1	—	1	4
Nova Scotia	4	19	12	3	3	41
New Brunswick	7	14	7	4	5	37
Québec	17	48	16	16	22	119
Ontario	11	57	56	32	32	188
Manitoba	—	5	13	7	5	30
Saskatchewan	1	3	5	4	5	18
Alberta	4	36	30	22	28	120
British Columbia	3	6	13	4	3	29
NorthWest Territories	1	—	7	2	3	13
Yukon	—	4	1	—	—	5
Canada	52	210	166	95	109	632

Source: OMS

Trends In Conditional Release: Judicial determination is intended to focus on high risk offenders - offenders who would be expected to present a risk of reoffending on conditional release. Release trends for this group would, therefore, be expected to differ from trends for other groups. Information from the study of judicial determination suggests that application of these provisions has been consistent with legislative expectations.

TABLE 10 CONDITIONAL RELEASE TRENDS - SCHEDULED OFFENDERS WITH/WITHOUT JUDICIAL DETERMINATION								
	TYPE OF FIRST RELEASE						DETAINED	
	Day Parole		Full Parole		Stat. Release			Ratio to Releases
Offenders	#	%	#	%	#	%	#	
Judicial Determination	26	16	25	15	115	69	57	1 to 3
No Judicial Determination	1475	16	4398	48	3347	36	1653	1 to 6

Source: OMS

By March 31, 1997, 166 offenders with judicial determination of parole eligibility had been released on some form of conditional release. Of these offenders, 26 or 16 % were released on day parole as a first release, 25 or 15% on full parole, and 115 or 69% on SR. For every three offenders with judicial determination who were released, one was detained to warrant expiry. In comparison, for scheduled offenders who did not have judicial determination of parole eligibility, 16% were released on day parole as a first release, (the same as those with judicial determination). A significantly higher proportion of offenders with no judicial determination (46%) was, however, released on full parole as a first release, while a considerably smaller proportion (36% versus 69%) was released on SR. For the group of scheduled offenders with no judicial determination, the ratio of detained offenders to released offenders was 1 to 6.

TABLE 11 PAROLE GRANT RATES - SCHEDULED OFFENDERS WITH/WITHOUT JUDICIAL DETERMINATION		
	Day Parole	Full Parole
Judicial Determination	60%	20%
No Judicial Determination	65%	36%

Source: OMS

For day parole, grant rates are similar for offenders with and without judicial determination; however, full parole grant rates for these groups differ considerably, with offenders without judicial determination being released at almost twice the rate (36% to 20%).

The CCRA provisions respecting judicial determination of parole eligibility are generally operating as expected, but two issues did arise. The first involves the over - representation of Aboriginal offenders in judicial determination cases. Aboriginals represented about 17% of judicial determination cases but about 15% of the incarcerated population during the review period. Further research is being carried-out to investigate this situation. The second involves the infrequent use of judicial determination for serious drug offences (schedule II offenders) and the relationship of these provisions to the APR provisions of the Act. Through APR, first-time, non-violent federal offenders must be directed to release on full parole at one third of sentence if there are grounds to believe that they will not reoffend violently before warrant expiry. Bill C-55 expanded the APR provisions to include direction to release on day parole at one-sixth of sentence. A schedule II offence does not exclude an offender from APR unless his/her parole eligibility date has been set at one-half of sentence through judicial determination. Recently, there have been cases where serious drug offenders with organized crime links have been given lengthy sentences without judicial determination. As a result, these offenders have been eligible for day parole at one-sixth of sentence. These cases have attracted extensive media coverage.

5.2.2 INTERIM RELEASE PROGRAMS

The temporary absence program (TA) and the work release program have been characterized as interim release programs. This section discusses interim release programs from various perspectives, including purpose, decision-making authority, frequency of use, and outcomes of release.

The CCRA specified six purposes for TAs: medical; compassionate; administrative; community service; family contact; and personal development. TAs were characterized as valuable tools for treatment and programming in the community. Work releases were created to permit offenders to work in the community for short periods, due to the elimination of day parole for this purpose.

SUMMARY OF FINDINGS

The timing and purposes of TAs and work releases have generally been consistent with the law. There are indications that TAs and work releases have been used to support correctional planning and reintegration. There has also been a positive correlation between success on interim release programs, and success on subsequent conditional releases. Success rates for TAs are very high, about 99%. Offenders categorized as maximum security have been excluded from unescorted temporary absences (UTAs), as required by law.

TA use began to decline before the CCRA, and this trend continued in the post-CCRA years. From 1990/91 to 1995/96, escorted temporary absences (ETAs) decreased by 22%, and UTAs decreased by 46%. UTAs from medium security institutions decreased by 70%. Aboriginal offenders were under-represented in reintegration ETAs and reintegration UTAs. The use of escorts for TAs increased in the post CCRA period; however, the use of community volunteers as escorts declined, dropping by almost 50%.

Factors influencing the decline in TAs are diverse, and their impacts are difficult to specify; however, certain provisions of the Act were expected to have an impact on the TA program. For example, the CCRA introduced the work release program that was expected to reduce the number of reintegration TAs. Each year, 300 to 400 offenders participate in work releases, indicating that this program has had limited impact on TAs.

CCRA amendments regarding socialization TAs were also expected to have an impact. Prior to the CCRA, socialization TAs accounted for 35% of all ETAs, and 25% of UTAs. Socialization was very broadly defined, and could include anything from shopping to recreation. The CCRA eliminated socialization as a purpose for

TAs, emphasizing the need for linking TAs with correctional plans, programming and treatment. The elimination of socialization TAs was probably one of the main reasons for reduced use of TAs.

It appears that the APR provisions of the CCRA may have influenced the TA program in ways that were not identified in legislative planning. The APR provisions apparently reduced the number of low risk offenders in institutions, and the amount of time these offenders were incarcerated prior to release on full parole, and, therefore, the extent to which these offenders participated in TA programs, particularly TAs for reintegration. The introduction of APR for day parole, and release of eligible cases at one-sixth of sentence (Bill C-55) could contribute to additional reductions in TA use.

Another factor influencing the TA program in unexpected ways appears to be the increasingly violent offence profile of the offender population. By 1995/96, almost 8 of every 10 offenders in institutions were incarcerated for a violent offence (schedule I, murder). This profile, coupled with public concerns for safety, appears to have constrained the use of TAs. The offence profiles of Aboriginal offenders, which generally involve high rates of violent offending, may have contributed to under-representation of Aboriginal offenders in the TA program.

5.2.2.1 TEMPORARY ABSENCES

The temporary absence (TA) program provides opportunities for federal offenders to be released into the community for short periods, ranging from a few hours to a few days, or longer in special circumstances. The CCRA introduced significant change to the TA program in areas such as authority, criteria and eligibility.

Authorities: Responsibility for release of offenders on UTA was assigned jointly to CSC and NPB. NPB was the UTA releasing authority for offenders serving a life "minimum" sentence, a sentence for an indeterminate period or a sentence for an offence set out in Schedule I or II. CSC was the UTA releasing authority for all other offenders. As well, the Act permits the Board to delegate UTA decision-making responsibility to CSC for any class of offenders or class of absences. The Board has done this:

- for medical UTA's - for all offenders serving a life sentence, an indeterminate sentence, or a determinate sentence for a Schedule I or Schedule II offence;
- for all other UTA's - for offenders serving sentences for Schedule II offences, and for Schedule I offences, except where the Schedule I offence:
    a) resulted in death or serious harm to the victim, or
    b) is a sexual offence involving a child.

Authority for ETAs continued with CSC. Minor amendments were made to the *Criminal Code* requirement for NPB approval for ETA's for offenders serving a sentence of life as a minimum punishment who were more than three years before parole eligibility. NPB approval was not required if the ETA was for medical reasons, or in order to attend judicial proceedings or a coroner's inquest.

Duration: The length of time an offender may be absent on a TA varies depending on the type, its purpose, and the offender's security classification. For example, ETAs are generally authorized for a day or two. UTAs are authorized for two or three days in most cases; however, they can also be for up to 15 days for personal development or community service, and for up to 60 days for a specific personal development program.

Purposes: Prior to the CCRA, TAs had four purposes (medical, compassionate, administrative, and socialization). The new Act specified six purposes, keeping medical, compassionate and administrative, but replacing socialization with the more specific purposes of community service, family contact, and personal development for rehabilitative purposes. Specifically, the Act identifies:

- medical TAs for medical treatment not available in prison.

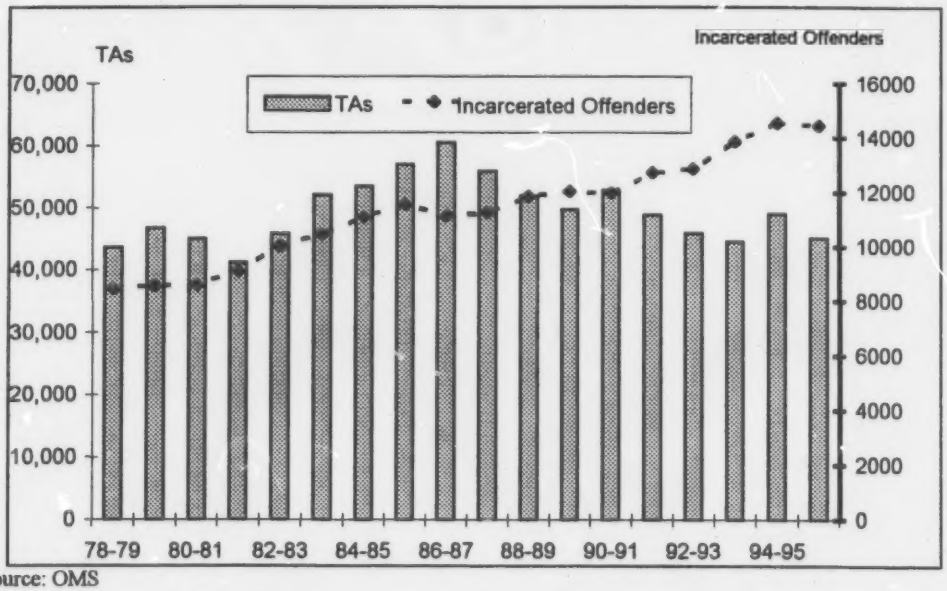
- compassionate TAs for visits to a relative who is dying, or to attend a funeral. Compassionate TAs may also be granted for parental responsibilities.
- administrative TAs when an offender must attend court, or other quasi-judicial hearing, or to deal with issues associated with a future release.
- community service TAs for participation in volunteer community projects.
- family contact TAs to assist offenders to maintain or re-establish family ties.
- personal development TAs to provide access to programs that may not be available in institutions.

Eligibility: Offenders become eligible for ETAs on entry to the penitentiary; however, absences early in the sentence are usually for medical purposes. Eligibility for UTAs is usually at half the period to parole eligibility date, or six months, whichever is greater. Offenders serving a life sentence or an indeterminate sentence are not eligible for UTAs until three years before their parole eligibility date. Offenders classified as maximum security are not eligible for UTAs.

LONG-TERM TRENDS

The annual number of TAs ranged from 41,000 to 60,000 from 1978/79 to 1995/96. TA use rose from 1978/79 to 1986/87, and then generally declined to 1995/96, with variations in 1990/91 and 1994/95. TA use mirrored growth in the incarcerated population from 1978/79 to 1985/86, but from 1986/87 to 1994/95, as the incarcerated population grew, the number of TAs decreased.

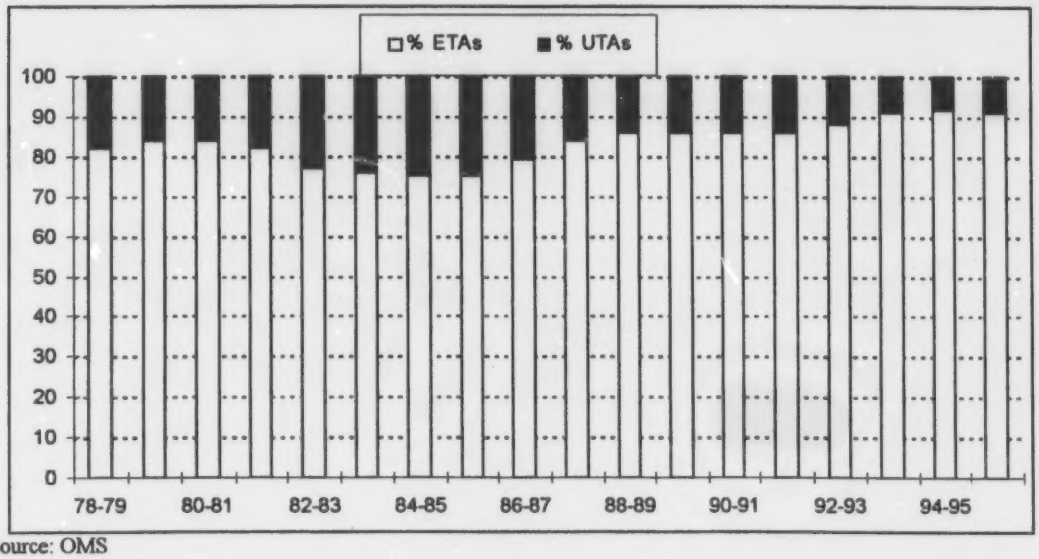
FIGURE 4
NUMBER OF TAs AND THE INCARCERATED POPULATION



Source: OMS

There are two main types of TAs, escorted (ETA) and unescorted (UTA). During the ETA, the offender (or group of offenders) is escorted by CSC staff or community volunteers. With UTAs, offenders are released to the community for relatively short periods without escort. Long-term data indicate that ETAs generally represented 80% to 90% of annual TAs before the CCRA, and exceeded 90% in the post-CCRA period.

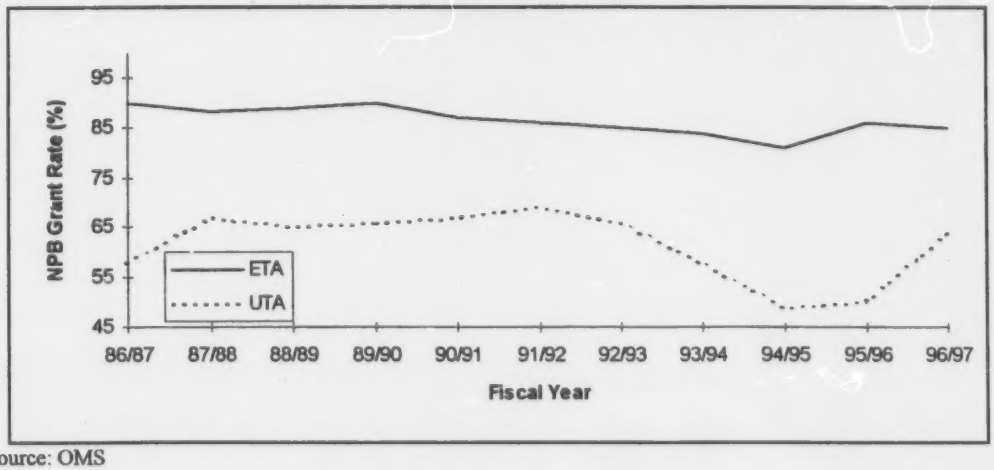
FIGURE 5
ETAs AND UTAs BY FISCAL YEAR



Source: OMS

NPB Grant Rates: NPB accounted for about 2% of all decisions to authorize TAs each year, with CSC responsible for the remainder of decisions, but the distribution varied by type of TA. For example, the Board authorized 1% or less of all ETAs each year, but about 10% of UTAs before the CCRA. In the post-CCRA period, the Board authorized 14% to 22% of UTAs each year. NPB grant rates for ETAs have consistently exceeded rates for UTAs, usually by 20% to 25%. Rates for ETAs ranged from 80% to 90%, while rates for UTAs ranged from 50% to 70%.

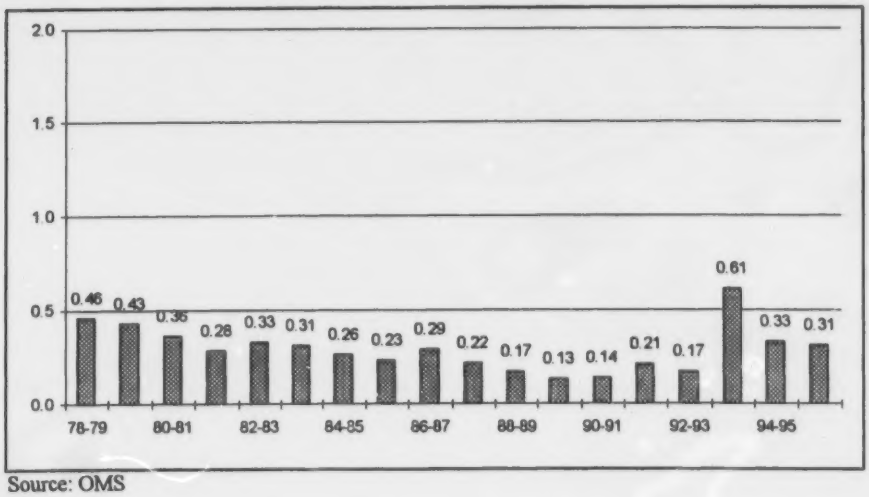
FIGURE 6
NPB GRANT RATES FOR TEMPORARY ABSENCES



Source: OMS

Failure Rates: TAs are considered failures if the offender is unlawfully at large (UAL), detained by the police, or breaches a condition of the TA (e.g. abstain from intoxicants). Failure rates for TAs have consistently been below 1%.

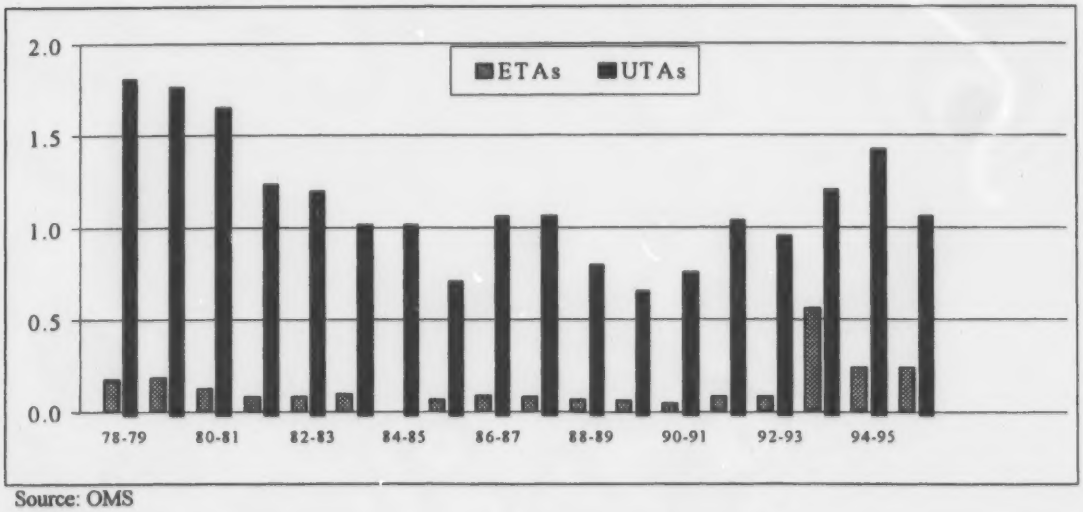
FIGURE 7
FAILURE RATE FOR TAs - BY FISCAL YEAR



Source: OMS

Failure rates for ETAs have generally been below 0.1%; however, in 1993/94, the rate rose to .6%. The rate dropped to about 0.3% in the next two fiscal years. Failure rates for UTAs have ranged from about 0.7% to 1.8%, with the annual rate most frequently in the 1% range.

FIGURE 8
FAILURE RATES FOR TAs - BY TYPE



Source: OMS

SIX YEAR TRENDS

For the CCRA review, a special study was conducted for the period 1990/91 to 1995/96 to provide a snapshot of trends in TAs in the period leading up to the CCRA, during transition to the new Act, and in the first years

of full implementation. The six year average for TAs was about 48,000 granted for about 7,400 offenders annually. The number of TAs generally declined from 1990/91 to 1995/96, while the number of offenders receiving TAs increased. (In 1994/95, the number of offenders who received TAs peaked at about 7700). During the six year review period, the incarcerated population grew by about 20%.

TABLE 12
TAs GRANTED, OFFENDERS GRANTED TAs, AND INCARCERATED OFFENDERS

Fiscal	TAs		TA Offenders		Incarcerated Offenders	
Year	Number	% change	Number	% change	Number	% change
1990-91	52,865	-	6,977	-	11,961	-
1991-92	48,877	- 7	7,162	+3	12,719	+6
1992-93	45,889	- 6	7,442	+4	12,877	+1
1993-94	44,546	- 3	7,354	- 1	13,864	+8
1994-95	49,063	+10	7,685	+4	14,539	+5
1995-96	45,101	- 8	7,515	- 2	14,459	- 0.6

Source: OMS

Information on TAs has been provided in four categories: medical; administrative; compassionate; and reintegration. The reintegration group includes TAs for parental responsibility, community service, family contact, and personal development. Most TAs were for reintegration, (68%), followed by medical TAs (26%), administrative TAs (4%), and compassionate TAs (2%).

TABLE 13
TAs BY PURPOSE AND BY FISCAL YEAR

Fiscal	Medical		Administrative		Compassionate		Reintegration	
Year	#	% change	#	% change	#	% change	#	% change
1990-91	11,717	-	1,648	-	497	-	39,003	-
1991-92	11,329	- 3	2,408	+ 46	534	+ 7	34,606	- 11
1992-93	12,492	+ 10	1,407	- 42	1,109	+108	30,881	- 11
1993-94	12,762	+ 2	1,720	+ 22	773	- 30	29,291	- 26
1994-95	14,769	+ 16	1,173	- 32	820	+ 6	32,301	+ 10
1995-96	14,358	- 3	1,357	+ 16	747	- 9	28,639	- 11

Source: OMS % change refers to change with respect to previous fiscal year.

In comparing 1995/96 with 1990/91, medical TAs showed the largest increase in number (over 2,600 or 23%), while compassionate TAs demonstrated the largest percentage increase (50%). The number of TAs for reintegration decreased by over 10,000 or by 27%, while the number of administrative TAs decreased by 291 or 35%. Following the CCRA, medical TAs rose from 23% to 29% of all TAs, suggesting changes in delivery of medical services at the institutional level.

Medical TAs: These TAs are granted for medical tests, dental care, major surgery and emergency treatment after traumatic injury. Most medical TAs (98%) were escorted. The number of medical TAs increased from 1990/91 to 1995/96, and so did the number of offenders granted medical TAs. These shifts were consistent with shifts in the incarcerated population. Failure rates for medical TAs rose in the post-CCRA period but remained below one half of one percent.

TABLE 14 MEDICAL TEMPORARY ABSENCES							
Year	ETA	UTA	Total		Failures		Incarcerated
			TAs	Offenders	#	Rate	Offenders
1990/91	11,499	218	11,717	4,477	7	0.06	11,961
1991/92	10,988	341	11,329	4,513	4	0.04	12,717
1992/93	12,302	190	12,492	5,003	6	0.05	12,877
1993/94	12,692	70	12,762	5,220	37	0.29	13,863
1994/95	14,708	61	14,769	5,691	57	0.39	14,539
1995/96	12,274	84	14,358	5,628	42	0.29	14,459

Source: OMS

Administrative TAs: These TAs are used for purposes such as visits to social service agencies to prepare for release. Over the 6 year period, about 4% (9700) of all TAs were administrative. Annual totals ranged from 1,173 to 2,408. Offenders receiving administrative TAs showed a general decline, from 735 to 461. The majority of administrative TAs (89%) were escorted; however, the use of escorts declined in the post-CCRA years (to about 80%). Administrative ETAs peaked in 1991/92, and then declined, averaging 1,445 over the 6 year period. In comparison, administrative UTAs increased annually from 1992/93 to 1995/96, but averaged only about 175 per year. Failure rates for administrative TAs were very low (0.06% to 0.87%), as were actual numbers of failures (1 to 15 per year).

TABLE 15 ADMINISTRATIVE TEMPORARY ABSENCES							
Year	ETAs	UTAs	Total		Failures		Incarcerated
			TAs	Offenders	#	Rate	Offenders
1990/91	1,540	108	1,648	735	1	0.06	11,961
1991/92	2,288	120	2,408	717	3	0.12	12,717
1992/93	1,356	51	1,407	725	3	0.21	12,877
1993/94	1,550	170	1,720	740	15	0.87	13,863
1994/95	916	257	1,173	553	3	0.26	14,539
1995/96	1,018	339	1,357	461	7	0.52	14,459

Source: OMS

Compassionate TAs: These TAs (2% of all TAs) allow offenders to visit seriously ill family members or to attend funerals. Compassionate TAs increased from 1990/91 to 1992/93, and especially from 1991/92 to 1992/93, when they doubled (534 to 1,109). By 1995/96, however, compassionate TAs decreased to 747. Most compassionate TAs were escorted (91%). Use of escorts actually increased each year, from 83% in 1991/92 to 97% in 1995/96. Failures rates for compassionate TAs were low, ranging from 0.09% to 0.65%, over the six years, and so too was the number of failures (17).

TABLE 16 COMPASSIONATE TEMPORARY ABSENCES							
Year	ETAs	UTAs	Total		Failures		Incarcerated
			TAs	Offenders	#	Rate	Offenders
1990/91	413	84	497	416	1	0.20	11,961
1991/92	460	74	534	467	3	0.56	12,717
1992/93	1,006	103	1,109	640	1	0.09	12,877
1993/94	724	49	773	626	5	0.65	13,863
1994/95	783	37	820	660	4	0.49	14,539
1995/96	725	22	747	599	3	0.40	14,459

Source: OMS

Reintegration TAs: The term reintegration TA is not part of the CCRA. It was developed for this report as a framework for collection and analysis of information on temporary absences whose primary purpose is to support community reintegration (personal development, parental responsibilities, family contact, and community service). Based on this definition, a total of 194,721 reintegration TAs were granted to 23,047 offenders over the 6 year study period. Reintegration TAs represented about 68% of all TAs granted, and accounted for 52% of all offenders granted TAs.

TABLE 17
REINTEGRATION TEMPORARY ABSENCES

Year	ETAs	UTAs	Total		Failures		Incarcerated
			TAs	Offenders	#	Rate	Offenders
1990/91	31,908	7,095	39,003	4,762	66	0.16	11,961
1991/92	28,308	6,298	34,606	4,703	93	0.27	12,717
1992/93	25,860	5,021	30,881	4,428	69	0.22	12,877
1993/94	25,637	3,654	29,291	3,386	214	0.73	13,863
1994/95	28,772	3,529	32,301	2,907	96	0.30	14,539
1995/96	24,804	3,835	28,639	2,861	86	0.30	14,459

Source: OMS

Most reintegration TAs were escorted (about 85%), with greater use of escorts in the post-CCRA period. During the six-year review period, the annual reintegration TAs declined by 27%, while the number of offenders receiving reintegration TAs declined by 40%. Reintegration ETAs dropped by 22%, and reintegration UTAs dropped by 46%. Failure rates for reintegration TAs were less than 1%. There was, however, an unexpected rise in failures for reintegration TAs, in 1993/94 when the total reached more than twice the level of any other fiscal year.

Reintegration ETAs: Over the past 6 years, reintegration ETAs have been the most frequently used type of TA, accounting for 60% all TAs, and 35% of all offenders receiving TAs. Prior to the CCRA, community service ETAs were the most frequently used type of reintegration ETAs (over 50%). In the post CCRA period, however, personal development ETAs emerged as the most frequently used type, accounting for over 52% of all reintegration ETAs.

Socialization ETAs were the second largest category of reintegration ETAs before the CCRA (about 35%). The CCRA eliminated socialization as a purpose for TAs, however, this type of ETA continued to be coded in the Offender Management System (OMS). Family contact and parental responsibility ETAs comprised small proportions of all reintegration ETAs, accounting for 4% and 2% respectively. These ETAs declined over the review period, as did the offenders receiving these TAs.

TABLE 18 REINTEGRATION ESCORTED TEMPORARY ABSENCES						
Year	Socialization	Community Service	Family Contact	Parental Responsibility	Personal Development	Total
1990/91						
ETAs	11,171	17,324	3,410	3	-	31,908
Offenders	1,779	1,586	1,089	3	-	3,044
1991/92						
ETAs	9,975	14,489	3,826	6	2	28,308
Offenders	1,879	1,550	1,191	6	2	3,052
1992/93						
ETAs	8,880	13,613	3,237	119	11	25,860
Offenders	1,759	1,290	1,242	86	11	2,939
1993/94						
ETAs	5,939	11,271	2,063	240	6,124	25,637
Offenders	1,123	807	847	191	844	2,457
1994/95						
ETAs	7	11,814	2,078	51	14,822	28,772
Offenders	4	714	792	21	1,500	2,132
1995/96						
ETAs	30	9,341	2,077	18	13,338	24,804
Offenders	2	690	800	15	1,434	2,052
Total						
ETAs	36,002	77,862	16,691	437	34,297	165,289
Offenders	6,546	6,637	5,961	322	3,791	15,676

Reintegration ETAs, Group and Individual: Group ETAs are used when the ETA is for a treatment program, community project, or other activity which involves multiple offenders. Group ETAs permit an efficient use of escort resources, and provide more opportunities for offenders to participate in activities outside the prison.

TABLE 19 REINTEGRATION ETAs - GROUP and INDIVIDUAL						
Fiscal Year	Group ETA		Individual ETA		Total ETAs	
	Number	Offenders	Number	Offenders	Number	Offenders
1990-91	26,095	2,093	5,813	1,951	31,908	3,044
1991-92	22,553	2,180	5,755	1,799	28,308	3,052
1992-93	20,014	1,972	5,846	1,870	25,860	2,939
1993-94	19,654	1,500	5,983	1,645	25,637	2,457
1994-95	22,680	1,425	6,092	1,414	28,772	2,132
1995-96	18,801	1,259	6,003	1,392	24,804	2,052

Source: OMS

About 8 of every 10 reintegration ETAs (79%) were group ETAs. Group ETAs declined by almost 30% during the review period (26,095 to 18,801). The number of offenders granted reintegration group ETAs, also declined (by 40%) from 1991/92 to 1995/96. The number of individual reintegration ETAs increased by about 5% from 1990/91 to 1995/96, but the number of offenders granted these ETAs declined by 29%. Individual ETAs averaged about 6000 annually.

Purpose: Most group reintegration ETAs were for community service (39% or about 12,000 annually); however, there was a definite decline in annual totals for these TAs during the review period (15,413 to 8,427). Individual community service ETAs also declined. Personal development ETAs accounted for about

21% of all group ETAs. These TAs averaged about 8,900 per year, ranging from about 4,500 to 11,700 per year. Personal development ETAs for individuals grew quickly after the CCRA, and by 1995/96 had become the largest category of individual ETAs.

TABLE 20
REINTEGRATION GROUP AND INDIVIDUAL ETAs BY PURPOSE

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96
Group ETAs						
• Socialization[1]	9,329	7,700	6,428	4,511	-	-
• Comm. Service	15,413	13,242	12,674	10,548	11,005	8,427
• Family Contact	1,353	1,609	904	19	-	-
• Parental Resp.	-	-	-	3	-	-
• Personal Dev.	-	2	8	4,573	11,675	10,374
Total	**26,095**	**22,553**	**20,014**	**19,654**	**22,680**	**18,801**
Individual ETAs						
• Socialization[1]	1,842	2,275	2,452	1,428	7	30
• Comm. Service	1,911	1,257	939	723	809	914
• Family Contact	2,057	2,217	2,333	2,044	2,078	2,077
• Parental Resp.	3	6	119	237	51	18
• Personal Dev.	-	-	3	1,551	3,147	2,964
Total	**5,813**	**5,755**	**5,846**	**5,983**	**6,092**	**6,003**
Total	**31,908**	**28,308**	**25,860**	**25,637**	**28,772**	**24,804**

[1] Not defined as a purpose for TAs after the CCRA. Source: OMS

Socialization group ETAs were officially granted until 1992/93, but data indicate that they continued to be coded in OMS the following year. A similar trend occurred for individual reintegration socialization TAs. Family contact ETAs for individuals remained stable at around 2,000 over the six-year period. Parental responsibility ETAs (individual) appear to have been used minimally in the last two fiscal years, compared to their use in 1992/93 and 1993/94.

Escorts: Prior to the CCRA, offenders granted ETAs were escorted by CSC staff or community volunteers. The Act permitted two new types of escorts - CSC non-security staff, and contract employees. Most group (58%) and individual (70%) reintegration ETAs were escorted by community volunteers over the six year period. There were, however, noticeable differences by fiscal year. In 1990/91, community volunteers escorted 68% of group reintegration ETAs, and 89% of individual ETAs. In 1995/96, community volunteers escorted 51% of group ETAs, and 43% of individual reintegration ETAs.

CSC officers escorted 27% of all group reintegration ETAs, and 23% of all individual ETAs from 1990/91 to 1995/96. For group ETAs, CSC officers were used less frequently as escorts in 1995/96 (15%) compared with 1990/91 (32%), but for individual ETAs the opposite trend occurred. CSC officers escorted 15% of individual reintegration ETAs in 1990/91 and 42% of these TAs in 1995/96.

TABLE 21
REINTEGRATION GROUP AND INDIVIDUAL ETAs BY ESCORT TYPE

Fiscal Year	CSC Officer		CSC Non-Security		Community Volunteer		Contract Staff	
	Number	Offenders	Number	Offenders	Number	Offenders	Number	Offenders
1990-91	8,356	662	-	-	17,739	5,151	-	-
1991-92	6,511	491	3	-	16,039	5,264	-	-
1992-93	6,787	584	5	-	13,222	5,262	-	-
1993-94	6,252	1,461	3,703	428	9,320	3,959	366	89
1994-95	3,273	2,414	8,576	774	9,818	2,539	894	264
1995-96	3,676	2,517	4,785	601	9,517	2,582	681	235
Total	**34,855**	**8,129**	**17,072**	**1,803**	**75,655**	**24,757**	**1,941**	**588**

Note: Escort type was unknown for 364 reintegration ETAs. Source: OMS

TABLE 18 REINTEGRATION ESCORTED TEMPORARY ABSENCES						
Year	**Socialization**	**Community Service**	**Family Contact**	**Parental Responsibility**	**Personal Development**	**Total**
1990/91						
ETAs	11,171	17,324	3,410	3	-	31,908
Offenders	1,779	1,586	1,089	3	-	3,044
1991/92						
ETAs	9,975	14,489	3,826	6	2	28,308
Offenders	1,879	1,550	1,191	6	2	3,052
1992/93						
ETAs	8,880	13,613	3,237	119	11	25,860
Offenders	1,759	1,290	1,242	86	11	2,939
1993/94						
ETAs	5,939	11,271	2,063	240	6,124	25,637
Offenders	1,123	807	847	191	844	2,457
1994/95						
ETAs	7	11,814	2,078	51	14,822	28,772
Offenders	4	714	792	21	1,500	2,132
1995/96						
ETAs	30	9,341	2,077	18	13,338	24,804
Offenders	2	690	800	15	1,434	2,052
Total						
ETAs	36,002	77,862	16,691	437	34,297	165,289
Offenders	6,546	6,637	5,961	322	3,791	15,676

Reintegration ETAs, Group and Individual. Group ETAs are used when the ETA is for a treatment program, community project, or other activity which involves multiple offenders. Group ETAs permit an efficient use of escort resources, and provide more opportunities for offenders to participate in activities outside the prison.

TABLE 19 REINTEGRATION ETAs - GROUP and INDIVIDUAL						
Fiscal	**Group ETA**		**Individual ETA**		**Total ETAs**	
Year	**Number**	**Offenders**	**Number**	**Offenders**	**Number**	**Offenders**
1990-91	26,095	2,093	5,813	1,951	31,908	3,044
1991-92	22,553	2,180	5,755	1,799	28,308	3,052
1992-93	20,014	1,972	5,846	1,870	25,860	2,939
1993-94	19,654	1,500	5,983	1,645	25,637	2,457
1994-95	22,680	1,425	6,092	1,414	28,772	2,132
1995-96	18,801	1,259	6,003	1,392	24,804	2,052

Source: OMS

About 8 of every 10 reintegration ETAs (79%) were group ETAs. Group ETAs declined by almost 30% during the review period (26,095 to 18,801). The number of offenders granted reintegration group ETAs, also declined (by 40%) from 1991/92 to 1995/96. The number of individual reintegration ETAs increased by about 5% from 1990/91 to 1995/96, but the number of offenders granted these ETAs declined by 29%. Individual ETAs averaged about 6000 annually.

Purpose. Most group reintegration ETAs were for community service (39% or about 12,000 annually); however, there was a definite decline in annual totals for these TAs during the review period (15,413 to 8,427). Individual community service ETAs also declined. Personal development ETAs accounted for about

21% of all group ETAs. These TAs averaged about 8,900 per year, ranging from about 4,500 to 11,700 per year. Personal development ETAs for individuals grew quickly after the CCRA, and by 1995/96 had become the largest category of individual ETAs.

TABLE 20
REINTEGRATION GROUP AND INDIVIDUAL ETAs BY PURPOSE

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96
Group ETAs						
• Socialization[1]	9,329	7,700	6,428	4,511	-	-
• Comm. Service	15,413	13,242	12,674	10,548	11,005	8,427
• Family Contact	1,353	1,609	904	19	-	-
• Parental Resp.	-	-	-	3	-	-
• Personal Dev.	-	2	8	4,573	11,675	10,374
Total	**26,095**	**22,553**	**20,014**	**19,654**	**22,680**	**18,801**
Individual ETAs						
• Socialization[1]	1,842	2,275	2,452	1,428	7	30
• Comm. Service	1,911	1,257	939	723	809	914
• Family Contact	2,057	2,217	2,333	2,044	2,078	2,077
• Parental Resp.	3	6	119	237	51	18
• Personal Dev.	-	-	3	1,551	3,147	2,964
Total	**5,813**	**5,755**	**5,846**	**5,983**	**6,092**	**6,003**
Total	**31,908**	**28,308**	**25,860**	**25,637**	**28,772**	**24,804**

[1] Not defined as a purpose for TAs after the CCRA. Source: OMS

Socialization group ETAs were officially granted until 1992/93, but data indicate that they continued to be coded in OMS the following year. A similar trend occurred for individual reintegration socialization TAs. Family contact ETAs for individuals remained stable at around 2,000 over the six-year period. Parental responsibility ETAs (individual) appear to have been used minimally in the last two fiscal years, compared to their use in 1992/93 and 1993/94.

Escorts: Prior to the CCRA, offenders granted ETAs were escorted by CSC staff or community volunteers. The Act permitted two new types of escorts - CSC non-security staff, and contract employees. Most group (58%) and individual (70%) reintegration ETAs were escorted by community volunteers over the six year period. There were, however, noticeable differences by fiscal year. In 1990/91, community volunteers escorted 68% of group reintegration ETAs, and 89% of individual ETAs. In 1995/96, community volunteers escorted 51% of group ETAs, and 43% of individual reintegration ETAs.

CSC officers escorted 27% of all group reintegration ETAs, and 23% of all individual ETAs from 1990/91 to 1995/96. For group ETAs, CSC officers were used less frequently as escorts in 1995/96 (15%) compared with 1990/91 (32%), but for individual ETAs the opposite trend occurred. CSC officers escorted 15% of individual reintegration ETAs in 1990/91 and 42% of these TAs in 1995/96.

TABLE 21
REINTEGRATION GROUP AND INDIVIDUAL ETAs BY ESCORT TYPE

Fiscal Year	CSC Officer		CSC Non-Security		Community Volunteer		Contract Staff	
	Number	Offenders	Number	Offenders	Number	Offenders	Number	Offenders
1990-91	8,356	662	-	-	17,739	5,151	-	-
1991-92	6,511	491	3	-	16,039	5,264	-	-
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1993-94	6,252	1,461	3,703	428	9,320	3,959	366	89
1994-95	3,273	2,414	8,576	774	9,818	2,539	894	264
1995-96	3,676	2,517	4,785	601	9,517	2,582	681	235
Total	**34,855**	**8,129**	**17,072**	**1,803**	**75,655**	**24,757**	**1,941**	**588**

Note: Escort type was unknown for 364 reintegration ETAs. Source: OMS

Since introduction of the CCRA, CSC non-security staff have emerged as a growing source of escorts for reintegration ETAs. Overall, this type of escort accounted for 13% of escorts for group ETAs, and 5% of individual ETAs. From 1993/94 to 1995/96, however, CSC non-security staff escorted 19% to 38% of group reintegration ETAs and 7% to 10% of individual ETAs.

TABLE 22
GROUP AND INDIVIDUAL REINTEGRATION ETAs BY INSTITUTIONAL SECURITY LEVEL

Fiscal	Minimum		Medium		Maximum	
Year	Group	Individual	Group	Individual	Group	Individual
1990-91	23,045	3,235	2,723	1,870	298	708
1991-92	20,130	3,341	2,280	1,544	124	870
1992-93	17,094	3,386	2,853	1,667	67	792
1993-94	17,472	3,784	2,172	1,534	2	664
1994-95	21,460	4,331	1,217	1,126	2	633
1995-96	17,420	4,601	1,200	1,015	-	292
Total	**116,621**	**22,678**	**12,445**	**8,756**	**493**	**3,959**

Source: OMS

Institutional Security Level: About 90% of group reintegration ETAs, and 65% of individual ETAs originated from minimum security institutions. In the post-CCRA period, however, proportions were actually higher, with about 95% of group ETAs, and 78% of individual ETAs being granted from minimum in 1995/96. During the six year period, about 10% of group reintegration ETAs, and 25% of individual ETAs were granted from medium security institutions. These percentages, reflect higher rates prior to the CCRA, and lower rates after the Act.

Information for the CCRA review illustrates that 11% of individual reintegration ETAs, and less than 1% of group ETAs originated in maximum security institutions. In 1990/91, maximum security institutions accounted for 1% of group reintegration ETAs and 12% of individual ETAs. By 1995/96, the percentage for individual ETAs had dropped to 5%, and no group ETAs originated in maximum institutions.

Failure Rates: For group and individual ETAs failures rates have been less than 1%, with individual ETAs having slightly higher rates. The average rate of failure for group ETAs was 0.18%, or 235 failures for almost 130,000 ETAs. Most failures (160) occurred in 1993/94, producing a rate of 0.82%. In other years, the number of failures ranged from 5 to 21, and the rate ranged from 0.02% to 0.11%. For individual ETAs, there were 74 failures out of 35,000 ETAs during the six year period, for a failure rate of 0.21%. Rates by fiscal year ranged from 0.1% to 0.38%.

TABLE 23
REINTEGRATION GROUP AND INDIVIDUAL ETAs FAILURES

Fiscal	Group ETAs			Individual ETAs		
Year	Success	Failure	% Failure	Success	Failure	% Failure
1990-91	26,090	5	0.02	5,802	6	.10
1991-92	22,539	14	0.06	5,747	8	.14
1992-93	19,999	15	0.08	5,841	5	.09
1993-94	19,494	160	0.82	5,973	10	.17
1994-95	22,660	20	0.09	6,070	22	.36
1995-96	18,780	21	0.11	5,980	23	.38
Total	**129,562**	**235**	**0.18**	**35,418**	**74**	**.21**

Source: OMS

Offenders: A total of 10,753 offenders received one or more group and/or individual reintegration ETAs between 1990/91 and 1995/96. The average number for each offender was 17, with a range between 1 and 26. The average length of each ETA was one day. Overall, 97% of offenders granted reintegration ETAs were males, and males accounted for 98% of the offender population. Almost all the offenders granted only group ETAs were males. Women accounted for 5% of the offenders granted both individual and group reintegration ETAs. Aboriginal offenders accounted for about 15% of the incarcerated population, but only 9% of offenders granted reintegration ETAs. Differences in the use of group and individual reintegration ETAs were not present across Aboriginal and non-aboriginal groups.

About two-thirds of the offenders granted reintegration ETAs were serving their first federal prison term and three-quarters of offenders granted only group ETAs were serving their first sentence. In comparison, first-time federal offenders account for about 55% of the incarcerated population. Slightly more than half (53%) of the offenders granted group and individual reintegration ETAs were serving sentences for non-violent offences. One-third (32%) were serving sentences for violent offences, and 8% for drug offences. The remaining 7% of cases had been convicted of first or second degree murder.

TABLE 24
REINTEGRATION ETAs AND OFFENCE TYPE

Offence	Group Only		Individual & Group		Incarcerated[1]	
Type	Offenders	Percent	Offenders	Percent	Offenders	Percent
Murder	30	1	485	6	1,913	14
Violent	985	30	2,391	33	8,554	62
Drug	345	10	625	8	1,031	7
Non-Violent	1,925	59	3,916	53	2,375	17
Total	**3,285**	**100**	**7,417**	**100**	**13,873**	**100**

[1] Involves data for the 1993/94 fiscal year. Source: OMS

Non-violent offenders were most likely to receive reintegration ETAs, accounting for 53% of offenders receiving these TAs. In comparison, 17% of the incarcerated population were non-violent offenders. Drug offenders represented 8% to 10% of offenders released on reintegration TAs, and 7% of the incarcerated population. Offenders convicted of violent offences (excluding murder) accounted for over 62% of the inmate population, but only 33% of reintegration ETAs. Offenders convicted of murder accounted for 14% of the inmate population, but for only 6% of the reintegration ETAs. These results suggest that offenders convicted of less serious offences are more likely to be granted only group ETAs, while those convicted of violent offences are more likely to receive individual ETAs, with higher levels of supervision.

REINTEGRATION UTAs

Reintegration UTAs may be considered the first real test in the process of successful reintegration. Unlike reintegration ETAs, where the presence of an escort allows for close supervision, the success of reintegration UTAs is the responsibility of the offender. For the CCRA review, five TA purposes comprise the category of reintegration UTAs: socialization; community service; family contact; parental responsibility; and personal development TAs. Personal development UTAs were divided into 15 and 60 day UTAs.

Over 29,000 reintegration UTAs were granted to about 7,400 offenders in the 6 fiscal years studied. Almost all (99%) were granted to individual offenders. Reintegration UTAs, and the offenders who received them decreased substantially over the six year period dropping by 46% and 47% respectively.

Since introduction of the CCRA, CSC non-security staff have emerged as a growing source of escorts for reintegration ETAs. Overall, this type of escort accounted for 13% of escorts for group ETAs, and 5% of individual ETAs. From 1993/94 to 1995/96, however, CSC non-security staff escorted 19% to 38% of group reintegration ETAs and 7% to 10% of individual ETAs.

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About two-thirds of the offenders granted reintegration ETAs were serving their first federal prison term and three-quarters of offenders granted only group ETAs were serving their first sentence. In comparison, first-time federal offenders account for about 55% of the incarcerated population. Slightly more than half (53%) of the offenders granted group and individual reintegration ETAs were serving sentences for non-violent offences. One-third (32%) were serving sentences for violent offences, and 8% for drug offences. The remaining 7% of cases had been convicted of first or second degree murder.

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Non-Violent	1,925	59	3,916	53	2,375	17
Total	**3,285**	**100**	**7,417**	**100**	**13,873**	**100**

[1] Involves data for the 1993/94 fiscal year. Source: OMS

Non-violent offenders were most likely to receive reintegration ETAs, accounting for 53% of offenders receiving these TAs. In comparison, 17% of the incarcerated population were non-violent offenders. Drug offenders represented 8% to 10% of offenders released on reintegration TAs, and 7% of the incarcerated population. Offenders convicted of violent offences (excluding murder) accounted for over 62% of the inmate population, but only 33% of reintegration ETAs. Offenders convicted of murder accounted for 14% of the inmate population, but for only 6% of the reintegration ETAs. These results suggest that offenders convicted of less serious offences are more likely to be granted only group ETAs, while those convicted of violent offences are more likely to receive individual ETAs, with higher levels of supervision.

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Over 29,000 reintegration UTAs were granted to about 7,400 offenders in the 6 fiscal years studied. Almost all (99%) were granted to individual offenders. Reintegration UTAs, and the offenders who received them decreased substantially over the six year period dropping by 46% and 47% respectively.

TABLE 25 REINTEGRATION UTAs, OFFENDERS GRANTED REINTEGRATION UTAs and INCARCERATED OFFENDERS						
Fiscal	UTAs		Offenders		Incarcerated Offenders	
Year	Number	% change	Number	% change	Number	% change
1990-91	7,095	-	1,718	-	11,961	-
1991-92	6,298	-11	1,651	-4	12,719	+6
1992-93	5,021	-20	1,489	-10	12,877	+1
1993-94	3,654	-27	929	-38	13,863	+8
1994-95	3,529	- 3	775	-17	14,539	+5
1995-96	3,835	+ 9	809	+4	14,459	- 1

Source: OMS

Grant Rates For UTAs: NPB grant rates for all UTAs (medical, administrative, compassionate and reintegration) ranged from 49% to 68% over the 6 year period. Rates in the post-CCRA period were, however, notably lower than in the years leading up to the new Act. NPB grant rates for all UTAs were consistently higher than rates for reintegration UTAs (44% to 48%), but the difference between these rates decreased, from 14% in 1993/94 to 2% in 1995/96. In fact, as the overall grant rate declined in the post-CCRA period, the grant rate for reintegration UTAs increased.

TABLE 26 GRANT RATES FOR UTAs REVIEWED BY NPB[1]						
Fiscal	All UTAs[2]			Reintegration UTAs		
Year	Authorized	Not Author.	Grant Rate	Authorized	Not Author.	Grant Rate
1990-91	778	390	67%			
1991-92	802	370	68%			
1992-93	858	439	66%			
1993-94	877	642	58%	447	575	44%
1994-95	651	681	49%	527	588	47%
1995-96	368	372	50%	287	314	48%

[1] Includes only applications where the Board's decision was to authorize or not authorize the UTA.
[2] Includes reintegration UTAs. Source: OMS

Purpose: Reintegration UTAs served five purposes: socialization, which was eliminated with the CCRA; community service; family contact; parental responsibility; and personal development (15 day and 60 day). Family contact UTAs represented the largest category (68%) of all reintegration UTAs. Although numbers for family contact declined, these UTAs remained fairly constant as a proportion of annual reintegration UTAs (68% -70%). Socialization UTAs represented the second largest category (19%) of all reintegration UTAs, despite abolition in 1992. Community service UTAs, while not abolished by the CCRA, declined by over 90% in 1995/96, compared with 1990/91. Personal development UTAs increased considerably from 1993/94 to 1995/96, but remained a small proportion (4% and 5% respectively) of all reintegration UTAs.

TABLE 27 REINTEGRATION UTAs BY PURPOSE						
	Socialization[1]	Community Service	Family Contact	Parental Responsibility	Personal Development 15 Day	Personal Development 60 Day
1990/91	1,755	695	4,645	-	-	-
1991/92	1,721	319	4,258	-	-	-
1992/93	1,328	131	3,559	3	-	-
1993/94	657	70	2,593	7	162	165
1994/95	17	17	2,575	5	449	466
1995/96	2	25	2,616	2	430	760
Total	**5,480**	**1,257**	**20,246**	**17**	**1,041**	**1,391**
%	**19%**	**4%**	**68%**	**<1%**	**4%**	**5%**

[1] Not considered a legitimate purpose for TAs after the CCRA. Source: OMS

Institutional Security Level: Reintegration UTAs declined across all three institutional security levels, with the largest declines in the medium (71%) and maximum (74%) security institutions. The number of offenders receiving these UTAs declined by 78% in medium, and 68% in maximum security institutions. The decline in reintegration UTAs from maximum security prisons was expected, given that maximum security offenders were excluded from UTA eligibility with the CCRA. Offenders shown as receiving UTAs from a maximum security institution were mostly female offenders from the Prison for Women. This prison was classified as a maximum security prison, but housed inmates at all security levels.

The drop in UTAs was less dramatic for minimum security institutions, about 34%, while the decline in offenders receiving these TAs was 38%. Over the study period, minimum security institutions accounted for 70% of all reintegration UTAs, and 62% of offenders receiving UTAs. These proportions, however, increased in the post-CCRA period. In 1990/91, minimum security institutions accounted for 66% of UTAs and 57% of offenders receiving UTAs. By 1995/96, these proportions had reached 84% and 78% respectively.

TABLE 28 REINTEGRATION UTAs BY INSTITUTIONAL SECURITY LEVEL						
Fiscal Year	Minimum		Medium		Maximum	
	Number	Offender	Number	Offender	Number	Offender
1990-91	4,687	1,017	2,232	701	156	59
1991-92	3,950	923	2,158	722	170	58
1992-93	3,191	927	1,690	577	138	32
1993-94	2,624	609	945	320	83	27
1994-95	2,898	587	486	188	92	27
1995-96	3,085	632	642	152	40	19
Total	**20,435**	**4,695**	**8,153**	**2,660**	**679**	**222**
Percent	**70%**	**62%**	**29%**	**35%**	**1%**	**3%**

Source: OMS

Failures: Failures for reintegration UTAs totalled 315 out of 29,117, UTAs, for a rate of about 1%. The highest rate occurred in 1994/95 at 1.49%. Post-CCRA failure rates appear slightly higher than before the Act. The 15-day personal development UTA category had the highest failure rate at 10%, significantly higher than the 1% rate for all UTAs.

TABLE 27 REINTEGRATION UTAs BY PURPOSE						
	Socialization[1]	Community Service	Family Contact	Parental Responsibility	Personal Development 15 Day	60 Day
1990/91	1,755	695	4,645	-	-	-
1991/92	1,721	319	4,258	-	-	-
1992/93	1,328	131	3,559	3	-	-
1993/94	657	70	2,593	7	162	165
1994/95	17	17	2,575	5	449	466
1995/96	2	25	2,616	2	430	760
Total	**5,480**	**1,257**	**20,246**	**17**	**1,041**	**1,391**
%	**19%**	**4%**	**68%**	**<1%**	**4%**	**5%**

[1] Not considered a legitimate purpose for TAs after the CCRA. Source: OMS

Institutional Security Level: Reintegration UTAs declined across all three institutional security levels, with the largest declines in the medium (71%) and maximum (74%) security institutions. The number of offenders receiving these UTAs declined by 78% in medium, and 68% in maximum security institutions. The decline in reintegration UTAs from maximum security prisons was expected, given that maximum security offenders were excluded from UTA eligibility with the CCRA. Offenders shown as receiving UTAs from a maximum security institution were mostly female offenders from the Prison for Women. This prison was classified as a maximum security prison, but housed inmates at all security levels.

The drop in UTAs was less dramatic for minimum security institutions, about 34%, while the decline in offenders receiving these TAs was 38%. Over the study period, minimum security institutions accounted for 70% of all reintegration UTAs, and 62% of offenders receiving UTAs. These proportions, however, increased in the post-CCRA period. In 1990/91, minimum security institutions accounted for 66% of UTAs and 57% of offenders receiving UTAs. By 1995/96, these proportions had reached 84% and 78% respectively.

TABLE 28 REINTEGRATION UTAs BY INSTITUTIONAL SECURITY LEVEL						
Fiscal	Minimum		Medium		Maximum	
Year	Number	Offender	Number	Offender	Number	Offender
1990-91	4,687	1,017	2,232	701	156	59
1991-92	3,950	923	2,158	722	170	58
1992-93	3,191	927	1,690	577	138	32
1993-94	2,624	609	945	320	83	27
1994-95	2,898	587	486	188	92	27
1995-96	3,085	632	642	152	40	19
Total	**20,435**	**4,695**	**8,153**	**2,660**	**679**	**222**
Percent	**70%**	**62%**	**29%**	**35%**	**1%**	**3%**

Source: OMS

Failures: Failures for reintegration UTAs totalled 315 out of 29,117, UTAs, for a rate of about 1%. The highest rate occurred in 1994/95 at 1.49%. Post-CCRA failure rates appear slightly higher than before the Act. The 15-day personal development UTA category had the highest failure rate at 10%, significantly higher than the 1% rate for all UTAs.

TABLE 29 NUMBER OF REINTEGRATION UTAs FAILURES BY YEAR			
Fiscal Year	**UTAs**	**Failures**	**% Failure**
1990-91	7,040	55	0.78
1991-92	6,227	71	1.13
1992-93	4,972	49	0.98
1993-94	3,610	44	1.20
1994-95	3,475	54	1.49
1995-96	3,793	42	1.01
Total	**29,117**	**315**	-
6 year avg.	**4,852**	**53**	**1.07**

Source: OMS

Offenders: During the study, 5885 offenders received one or more reintegration UTA. The average number per offender was about five, with a range between 1 and 34. The average length of UTAs was two days. The proportions of male and women offenders who received reintegration UTAs were consistent with their proportion of the incarcerated population. Aboriginal offenders were under-represented (5%) in reintegration UTAs compared with their representation (15%) in the incarcerated population.

About two-thirds of offenders granted reintegration UTAs had no previous federal admissions, while the remaining one-third had one or more. Over half (59%) of the offenders granted reintegration UTAs were incarcerated for non-violent offences, 27% had previous violent offences, 9% were convicted of drug offences, and 4% were serving a sentence for murder. Offenders granted reintegration UTAs had a lower percentage of murder and violent offences, and a higher proportion of drug or non-violent crimes than the incarcerated population. These data suggest that lower risk offenders, incarcerated for non-violent crimes, were more apt to receive a reintegration UTA.

TABLE 30 NUMBER OF REINTEGRATION UTA OFFENDERS BY OFFENCE TYPE				
OFFENCE TYPE	**UTA SAMPLE**		**INCARCERATED 4 YEAR AVERAGE**	
	Offenders	**Percent**	**Offenders**	**Percent**
Murder	265	5	1,913	14
Violent	1,595	27	8,554	62
Drug	532	9	1,031	7
Non-violent	3,460	59	2,375	17
Total	**5,852**	**100**	**13,873**	**100**

Source: OMS

5.2.2.2 WORK RELEASE PROGRAM

Work release provides opportunities for offenders to work away from the institution, but generally requires a return to custody, or halfway house each night. Authority for work releases rests with CSC. The criteria for work releases make them similar to temporary absences. The length of work releases (60 days with opportunity for renewal) makes them similar to day parole.

Prior to the CCRA, day parole could be used to allow offenders to work on community projects. The CCRA revised the purpose of day parole so that it became preparation for release on full parole or SR. Eligibility for day parole was also changed to six months before full parole eligibility. As a result, a new program was required for participation in community work projects and seasonal employment opportunities.

Trends In Work Releases: Statistics for 1993/94 distort program data, but based on information for 1994/95 and 1995/96, there were about 800 work release departures by about 300 offenders annually. Prior to the CCRA, there were about 350 day paroles each year for purposes similar to work releases.

TABLE 31
WORK RELEASES AND OFFENDERS GRANTED WORK RELEASES

	Work Releases	Offenders	% of Incarc. Pop.
1993/94	2,165[1]	300	2%
1994/95	742	286	2%
1995/96	844	315	2%
Total	**3,751**	**901**	

[1] Work release totals for 1993/94 reflect different counting methods. Source: OMS

A sample of 223 work releases was reviewed to determine how work release was being used. The review indicated that work releases, although not required to meet correctional goals did, in fact, address a number of correctional goals for offenders. Most work releases provided work opportunities for unskilled labour in a variety of community settings.

Women offenders accounted for 1% of offenders on work releases, and Aboriginal offenders accounted for 8%, suggesting under-use of work release for these groups based on their representation in the incarcerated population (women 2%, Aboriginal offenders 15%).

About 69% of the offenders released on work release had committed violent offences (manslaughter, sexual, non-sexual violent), while 12% were serving sentences for murder. Offenders granted work release appeared to present a degree of risk based on criminal history.

TABLE 32
OFFENDERS HAVING AT LEAST ONE FEDERAL CONVICTION FOR EACH TYPE OF OFFENCE PRIOR TO WORK RELEASE

Offence	Percent[1]	Offenders With At Least One Conviction
Murder	11	133
Manslaughter	7	83
Sexual Offence	14	159
Non-Sexual Violent	48	562
Drug	26	304
Property	30	354
Break & Enter	30	352
Other Non-violent	69	805

[1] Represents the percentage of offenders who had at least one conviction for a certain offence. For example, approximately 11% (133 offenders of the sample of 1,167) of the work release population were convicted for a murder.

Work Releases and Reintegration TAs: About 30% of the offenders given work releases did not have any ETAs for reintegration, 70% did not have any UTAs of this type.

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TABLE 33 PERCENTAGE AND NUMBER OF REINTEGRATION ETAs AND UTAs BEFORE WORK RELEASE					
Previous ETAs	**Percentage**	**Offenders**	**Previous UTAs**	**Percentage**	**Offenders**
None	30%	346	None	70%	814
1-3	16%	193	1-3	16%	191
4-9	14%	162	4-9	9%	101
10-25	19%	223	10-25	4%	53
26 or more	20%	243	26 or more	1%	8
Total	**100%**	**1,167**	**Total**	**100%**	**1,167**

Source: OMS

Timing Of Work Releases: The point at which offenders receive a work release is of interest in terms of day and full parole eligibility. Day parole eligibility (DPED) is six months before full parole eligibility (FPED) for offenders with determinate sentences, and three years before FPED for offenders serving life sentences. FPED is normally at one-third of sentence for offenders with determinate sentences, while for offenders serving life sentences it is 25 years, or a period between 10 and 25 years, as set by the court.

About 1 in 6 offenders granted work releases had their first work release prior to DPED. Almost one-quarter of the offenders granted work releases had their first work release between DPED and FPED, and another quarter had their first work release between FPED and 50% of sentence. About 4 in 10 offenders received their first work release after the 50% point in their sentence.

TABLE 34 FIRST WORK RELEASES AND PAROLE ELIGIBILITY DATES		
Timing	**Percentage**[1]	**Number**
Before DP Eligibility	16%	161
Between DP Eligibility & FP Eligibility	22%	223
From FP Eligibility to 50% of Sentence	24%	246
After 50% of Sentence	38%	394

[1] Percentage is based on the number of offenders serving determinate sentences (N=1,034). Problems with parole eligibility dates for offenders serving indeterminate sentences (N=133) prevented them from being included in table.

Time served before a work release was calculated for offenders serving determinate and life sentences. Offenders serving determinate sentences spent an average of 3 years incarcerated before their first work release, while offenders with life sentences served an average of 12 years before their first work release.

Work Release And Conditional Release: The most common form of release after the work release was day parole (51% of cases). Full parole followed directly after work release in 14% of these cases, and SR followed work releases in 33% of cases. For offenders who received a full release following a work release, about 43% were released on full parole, and 57% were released on SR.

Overall, 65% of offenders who had received a work release prior to another form of release were still in the community 2 years after their release. Of the remaining 35% of work release cases, 24% had been readmitted for violations of conditions of parole or SR. New offences were committed by 11% of offenders, and violent offences were committed by 6%.

TABLE 35 RELEASE TYPE AFTER WORK RELEASE				
	First Release After Work Release		Full Release	
	Percent[1]	Number	Percent[2]	Number
Day Parole	51%	410	-	-
Full Parole	14%	115	43%	278
Statutory Release	33%	262	57%	374
Other	2%	14	-	-
Total	**100%**	**801**	**100%**	**652**

[1] Percentage is based on work release offenders who were granted a release after completion of work release (N=801). In 366 cases (31.4%), offenders had not been released by the end of the study period. [2] Percentage is based on number of offenders who received a full parole or statutory release after the work release (N=652). 149 of the offenders released on day parole did not have a full release at the end of the study period.

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F-2

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5.2.3 CONDITIONAL RELEASE

This section discusses programs of conditional release (day parole, full parole, statutory release) and detention. Clearly, legislative provisions in these areas are key aspects of the CCRA. They put in practice the mission and values of CSC and NPB. They embody the purpose and principles of the Act, and are the focal point of strategies for public safety, and reintegration of offenders.

Legislation in these areas also addresses very practical, yet complex challenges, for example, the pressures around public safety and offender population management. They recognize the difficulties in dealing with a diverse offender population - a population with varying levels of risk and needs - demanding flexible, effective programming and treatment, and quality risk assessment and risk management. Legislative provisions for conditional release and detention also recognize the reality of finite resources and fiscal restraint.

The Act, therefore, seeks to achieve a balance, to provide a framework for public safety but with the least restrictive correctional measure as the ideal - a framework which ensures that non-violent, first time federal offenders are dealt with in an expeditious manner, enabling CSC and NPB to concentrate efforts on high risk, violent offenders.

Programs of conditional release are based on the premise that a period of supervised transition from prison to the community contributes to public safety and rehabilitation of offenders. There is considerable evidence that this premise is accurate. In particular, the process of selection for parole based on case specific risk assessment and decision-making (e.g. regular full parole) is effective in identifying offenders who will successfully reintegrate in the community before and after warrant expiry.

Detention, on the other hand, is based on the recognition that conditional release (SR) is not a viable option for certain offenders - that the offenders in question present imminent danger of serious violence or a serious drug offence. For these offenders, detention is considered necessary to prevent serious reoffending before the end of sentence. But the decision to detain is complex. It provides short-term protection for the public, but long-term information indicates that detained offenders have high levels of post-warrant expiry recidivism, including violent recidivism. Further, the group of offenders from which offenders are generally referred for detention (i.e. offenders approaching release on SR) demonstrate relatively high levels of recidivism when released, emphasizing the need for effective risk assessment tools which differentiate, within the high risk group, offenders who should be detained and who should be released on statutory release.

5.2.3.1 DAY PAROLE

There are three degrees of release to the community for offenders who have been serving a sentence in prison. There is release at the end of the sentence in which the offender returns to the community with no supervision or support for the change from prison to street life. An offender who is released at warrant expiry after being detained exemplifies this type of release.

The next degree is full release to supervision, either full parole or SR. This type of release provides the correctional system with the opportunity to monitor the behaviour of the offenders, provide services to meet their needs, and reduce the likelihood of a return to prison.

The third degree – day parole release, usually to a halfway house - provides the greatest level of supervision during transition from the prison environment to life on the street. In Canada, federal inmates released to a halfway house are generally released on day parole, although Bill C-45 in January 1996, introduced SR with residency which has become a frequently used option for release.

Offenders released on day parole can be divided into two groups. The first is low risk offenders for whom day parole provides release prior to, or early in the parole eligibility period. This release benefits the offender because less time is spent in the prison environment. The correctional system also benefits because there is lower cost associated with sentences served in a halfway house. Eligibility for release on day parole is generally six months before the parole eligibility date; however, Bill C-55 in July 1997, set eligibility for release of non-violent, first time, federal offenders at one sixth of sentence.

For higher risk offenders, later release to a halfway house provides for a gradual release to the community with additional safeguards and controls associated with the residential requirement. The halfway house provides structure, and a controlled setting from which to look for work, participate in treatment and educational activities, and search for accommodation which will be needed if full parole is granted, or the SR date is reached. A halfway house could be a community correctional centre (CCC) operated by CSC or a community residential centre (CRC) operated privately (fee for service). Some offenders on day parole may continue to reside at a correctional institution, and be released daily for work or other activities. In exceptional cases, other residential options may be used where no halfway house exists.

The NPB is responsible for deciding on the release of offenders on day parole. Staff from CSC prepare the offender's case for NPB to review, and provide recommendations for the Board. Day parole has been a release option for federally sentenced offenders in Canada since 1969. The CCRA (1992) made three major changes to day parole:

1. The purpose of day parole was revised. Previous legislation permitted a variety of purposes for day parole, including community work. The CCRA defined day parole to be used to prepare offenders for full parole or statutory release.

2. Eligibility for day parole was revised from one-sixth of the sentence to 6 months before full parole eligibility. Offenders with sentences longer than three years become eligible for day parole later now than before the CCRA.

3. Automatic review by NPB for day parole was discontinued. Offenders have to apply in writing for a day parole review.

In addition to these direct changes, the CCRA made a number of changes in other areas with potential impact for day parole. For example, the accelerated parole review (APR) provisions of the Act required the Board to direct non-violent, first time, federal offenders to be released on full parole at full parole eligibility date, if they are assessed by the NPB as being unlikely to commit a violent offence. This change appeared to influence the pool of offenders from which day parole cases were traditionally chosen.

The CCRA also changed interim release programs, with potential impact for day parole. For example, work release, and 60 day personal development temporary absences were introduced. Work releases provide opportunities for offenders to work on community service projects, or to obtain other work outside the prison. Sixty day temporary absences provide opportunities for offenders to participate in treatment and programs outside the institution.

SUMMARY OF FINDINGS

There is evidence that day parole is consistently being used as preparation for full parole or SR, as prescribed by the Act. In addition, there is a positive correlation between participation in day parole and success on subsequent releases. There are also clear indications that the day parole program is contributing to public safety and reintegration. Success rates for day parole have increased steadily (to 96%) since the CCRA, and rates of recidivism, including violent recidivism have declined. Successful completions of day parole have increased considerably (by 16%). Revocations of day parole for a new offence, and for a new violent offence

have declined - by over 70%. These trends provide clear indications that offenders who applied, and were selected for day parole enjoyed success in the community from both a safety ar ! reintegration perspective.

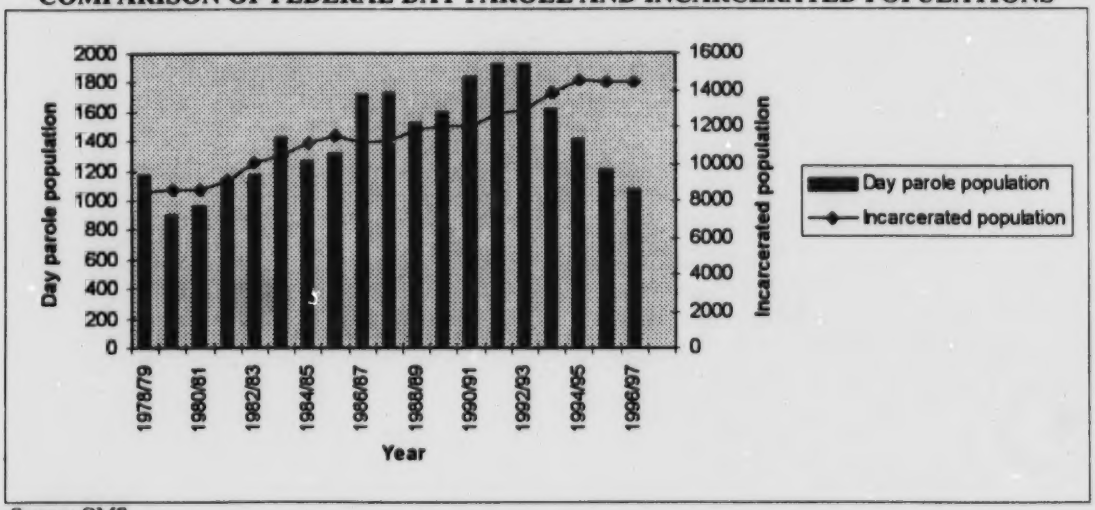
On average, offenders are serving slightly longer periods of incarceration before first release on day parole, but this was expected when the CCRA shifted day parole eligibility from one-sixth of sentence to 6 months before full parole eligibility. Legislative planning for the CCRA also identified a potential reduction of 360 to 400 in annual day parole populations based on revised legislative provisions. By 1996/97, however, the annual day parole population had declined by about twice the expected level. Specific factors leading to this decline could not be identified. It is clear, however, that anticipated and unanticipated factors worked collectively to exert significant influence on the day parole population.

As expected, the introduction of 60 day personal development UTAs and work releases contributed to a reduction in annual day parole releases. Shifts in the timing of day parole eligibility and the purpose of day parole appear to have reduced program use, as intended. Unexpectedly, however, large proportions of offenders eligible for day parole chose not to apply, leading to a 46% decline in annual day parole reviews (pre-release) carried-out by NPB. In particular, significant numbers of offenders eligible for APR chose not to apply for day parole, apparently preferring to be assessed for release against the APR criterion of violent recidivism, as opposed to assessment against the broader test of general recidivism for day parole. Increased use of institutionally-based treatment and programs for offenders along with fluctuations in NPB grant rates appear to have exerted limited influence on the declining day parole population. As expected, APR for day parole (Bill C-55) produced significant increases in day parole releases, resulting in growth of about 400 in the day parole population by October 1997.

GENERAL TRENDS

Day Parole Population: Over the past 20 years, the federal incarcerated population showed steady growth, and by 1996/97 had reached about 14,500 - 71% higher than 1978/79, and 12% higher than 1992/93, the year of introduction of the CCRA. The federal day parole population showed more variability, at times shifting with the incarcerated population, and at times, moving in opposite directions. The day parole population peaked in 1992/93, and declined in subsequent years, dropping to 1079 in 1996/97. The day parole population in 1996/97, was 13% lower than in 1978/79.

FIGURE 9
COMPARISON OF FEDERAL DAY PAROLE AND INCARCERATED POPULATIONS



Source: OMS

Nationally, the federal day parole population dropped by 37% during the review period. Regional reductions for federal day parole ranged from 49% (100 offenders) in the Atlantic, to 18% (44 offenders) in the Prairies. The Quebec region experienced the largest decline in number of day parolees (269 offenders or 44%). The provincial day parole population also declined nationally (by 35%), and in the Atlantic (62%), but remained steady in the Prairies.

TABLE 36
DAY PAROLE POLULATION[1]

Yr	Atl			Que	Ont	Pra			Pac	Canada		
	Fed	Prov	Total			Fed	Prov	Total		Fed	Prov[2]	Total
86/87	205	60	265	613	421	247	44	291	236	1722	104	1826
87/88	195	70	265	604	409	256	63	319	266	1730	133	1863
88/89	149	78	227	615	347	167	63	230	241	1519	141	1660
89/90	151	41	192	639	373	255	43	298	175	1593	84	1677
90/91	142	65	207	796	379	312	47	359	212	1841	112	1953
91/92	163	55	218	785	423	362	45	407	189	1922	100	2022
92/93	178	48	226	749	468	307	40	347	225	1927	88	2015
93/94	159	35	194	574	370	292	40	332	224	1620	75	1695
94/95	149	47	196	578	312	208	41	249	167	1414	88	1502
95/96	120	35	155	489	286	179	30	209	138	1212	65	1277
96/97	105	23	128	344	284	203	45	248	143	1079	68	1147

[1] Population on March 31 of each fiscal year, and includes offenders who have been released on day parole and are under supervision, UAL, temporarily detained or deported. [2] Excludes occasional provincial cases in Ontario, and the Pacific.
Source: OMS

Decreases in the day parole population have been sharpest since introduction of the CCRA. Factors influencing these decreases are complex, and causal relationships are difficult to specify. Recent information, however, suggests the following as contributing factors:

- The use of 60 day UTAs and work releases which, in combination, accounted for release of 450 to 1100 offenders annually after the CCRA. Prior to the CCRA, these releases would have been day paroles.

- The requirement for offenders to apply for day parole, and the choice by many offenders, (including many offenders eligible for APR), to forego day parole application. As a result, annual day parole reviews decreased by about 3800 or 49% in the years following the CCRA.

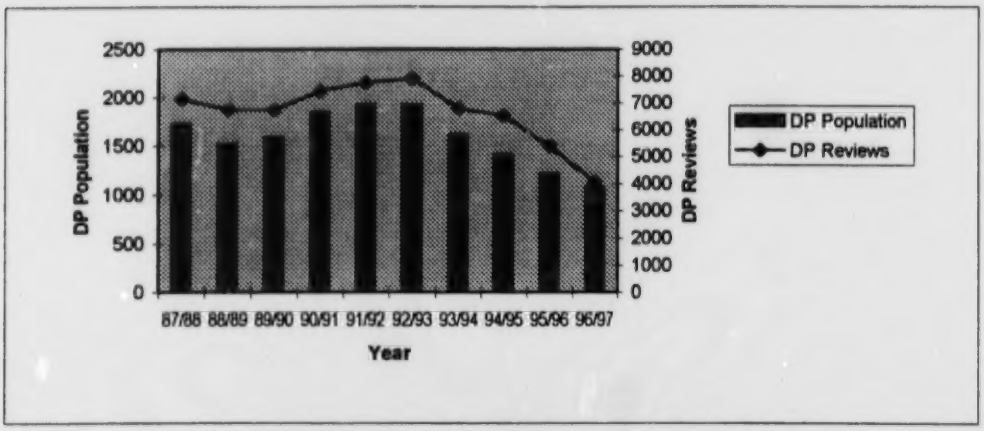
- The shifting of day parole eligibility to 6 months before full parole eligibility which delayed release and reduced time spent on day parole.

- Growing public concerns for safety, combined with the more violent offence profile of the federal offender population. In 1986/87, 58% of the incarcerated population had been sentenced for a violent offence. In 1996/97, this proportion had grown to about 80% (Schedule I, murder). These trends may have contributed to a temporary decline in grant rates for day parole.

- Greater use of programming in institutions prior to a recommendation by CSC to the Board for day parole.

Federal Day Parole Reviews: In the years leading up to the CCRA, annual day parole reviews (pre-release) of federal offenders by NPB ranged from 6700 to 7900. By 1996/97, these reviews had dropped to about 4100, for a decline of 49%. In this same period, the day parole population fell by 44%.

FIGURE 10
FEDERAL DAY PAROLE REVIEWS
AND THE FEDERAL DAY PAROLE POPULATION



Regional information for the post-CCRA period emphasizes changes that occurred in day parole reviews. From 1992/93 to 1996/97, all regions experienced a decline in reviews, ranging from 40% in Ontario to 56% in Quebec.

TABLE 37
FEDERAL DAY PAROLE REVIEWS (PRE-RELEASE)*

	ATL	QUE	ONT	PRA	PAC	CAN
1992/93	794	3143	1486	1582	886	7891
1993/94	742	2515	1350	1278	894	6779
1994/95	754	2427	1293	1320	743	6537
1995/96	645	2070	1083	1012	575	5385
1996/97	450	1433	906	809	457	4055

* Includes only day parole reviews in which a decision was made to grant/continue or deny day parole. Source: OMS

Day parole reviews declined because fewer offenders applied for day parole. As an example, information for the period 1992/93 to 1995/96 indicates that the proportion of offenders eligible for APR who did not apply for day parole increased from about 30% to about 50% per year.

TABLE 38
DAY PAROLE APPLICATIONS BY OFFENDERS ELIGIBLE FOR APR

YEAR	APR eligible offenders	NO DP APPLICATIONS	
		Number	%
1992/93	432	133	31
1993/94	1362	359	26
1994/95	1576	467	30
1995/96	1426	603	42
1996/97	1370	665	49

Source: OMS

Reasons for the increase in offenders eligible for APR who did not apply for day parole could not be specified; however, it appears that offenders chose to be assessed for release against APR criteria which consider the risk for violent recidivism, as opposed to the broader criteria of general recidivism for day parole.

Day parole release was expected to occur later in the sentence after the CCRA, given the shift in day parole eligibility to six months before full parole eligibility. Offenders have, in fact, been serving larger portions of their sentences (36%) before first day parole than they did when the CCRA was introduced in 1992 (28%).

TABLE 39
AVERAGE PROPORTION OF SENTENCE SERVED BEFORE FIRST DP RELEASE

	1992/93	1993/94	1994/95	1995/96	1996/97
Atlantic	27%	27%	32%	33%	35%
Quebec	27%	30%	32%	33%	36%
Ontario	26%	30%	30%	34%	35%
Prairies	28%	31%	32%	35%	37%
Pacific	36%	36%	37%	37%	38%
Canada	28%	31%	32%	34%	36%

Source:OMS

REINTEGRATION - TRENDS IN RELEASE

Timing of Release: Day parole is defined as preparation for full parole or SR. It is important to note, however, that full parole and SR involve different groups of offenders. Full parole is generally considered for lower risk offenders. In comparison, those held in custody to their SR date are usually considered higher risk offenders - offenders who have been denied parole, or who have been revoked from parole for a breach of conditions or for a new offence. With these differences in mind, day parole releases were divided into three groups: releases which occur before full parole eligibility date (FPED); those which occur on or after FPED but before the mid-point in the sentence; and those which occur after the mid-point in the sentence. For the third group, day paroles appear to be in preparation for SR. The first group of releases is aligned with release on full parole. Releases which occur in mid-sentence are more difficult to label, but most appear to involve preparation for full parole.

TABLE 40
NUMBER AND PERCENTAGE OF DAY PAROLE RELEASES BY TIME OF RELEASE

	Before FPED		After FPED to 50% of sentence		After 50% of sentence	
Fiscal Year	**Number**	**Percentage**	**Number**	**Percentage**	**Number**	**Percentage**
1990/91	1498	54	618	22	651	24
1991/92	1580	55	654	23	622	22
1992/93	1875	60	655	21	612	20
1993/94	1317	57	525	23	456	20
1994/95	1082	54	531	26	396	20
1995/96	807	47	468	29	406	24

Source: OMS

The number of offenders released on their first day parole before FPED declined sharply, from 1875 in 1992/93 to 807 in 1995/96, a decrease of 57%. There were also reductions in the number of releases in mid-sentence from 655 to 468 (39%), and late in the sentence from 612 to 406 (34%). Day parole releases before FPED have declined as a proportion of all day parole releases, from 60% in 1992/93 to 47% in 1995/96. In

comparison, day parole releases from FPED to the mid-point in the sentence increased from 21% to 29%, and releases after the mid-point increased from 20% to 24%.

Regional trends in the timing of first day parole reflect national trends. The proportion of first releases on day parole before FPED declined in each region between 1990/91 and 1995/96, but by varying degrees. For example, day parole releases before FPED declined by 65% in the Pacific, but by only 6% in the Prairies.

TABLE 41
TIMING OF FIRST DP RELEASE BY REGION (%)

	BEFORE FPED					FPED to 50% OF SENTENCE					AFTER 50% OF SENTENCE				
	Atl	Que	Ont	Pra	Pac	Atl	Que	Ont	Pra	Pac	Atl	Que	Ont	Pra	Pac
1990/91	66	57	54	47	40	17	23	23	23	26	17	20	23	30	34
1991/92	72	56	56	52	39	14	22	25	25	29	14	22	19	23	32
1992/93	71	61	64	57	36	14	20	21	22	28	15	19	15	21	36
1993/94	71	57	62	55	26	18	24	20	25	30	11	19	18	21	44
1994/95	62	49	58	59	36	24	29	23	26	32	14	22	19	17	32
1995/96	61	49	49	44	14	25	28	28	30	32	14	23	21	25	54

Source: OMS

First releases on day parole between FPED and the mid-point in the sentence increased in each region, with increases ranging from 5 to 8 percentage points. Day parole releases after the mid-point in the sentence, increased in the Quebec (3%) and Pacific (20%) regions, and decreased in the Atlantic (3%), Ontario (2%), and the Prairies (5%). Generally, offenders were most likely to be released on their first day parole before FPED in the Atlantic, and most likely to be released on their first day parole after the 50% point in the sentence in the Pacific region.

Offender Released On Day Parole /Incarcerated Population: Nationally, offenders released on day parole peaked in 1992/93 in number (4129), and as a percentage of the incarcerated population (32%), and then declined to 2589 or 18% of the incarcerated population by 1995/96.

TABLE 42
OFFENDERS RELEASED ON DP AND INCARCERATED OFFENDERS BY REGION

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96
ATLANTIC						
Incarcerated	1003	1120	1174	1341	1464	1450
Releases on DP	390	400	492	478	419	357
%	39%	36%	42%	36%	29%	25%
QUEBEC						
Incarcerated	3229	3549	3554	3747	3891	3804
Releases on DP	1442	1502	1569	1288	1182	996
%	44%	42%	44%	34%	30%	26%
ONTARIO						
Incarcerated	3455	3700	3724	3865	3875	3852
Releases on DP	701	781	897	752	666	539
%	20%	21%	24%	19%	17%	14%
PRAIRIES						
Incarcerated	2641	2672	2775	3087	3225	3360
Releases on DP	546	676	744	621	559	442
%	21%	25%	27%	20%	17%	13%
PACIFIC						
Incarcerated	1633	1678	1650	1823	1984	1993
Releases on DP	344	358	427	405	317	255
%	21%	21%	26%	22%	16%	13%
CANADA						
Incarcerated	11,961	12,719	12,877	13,863	14,539	14,459
Releases on DP	3423	3717	4129	3544	3143	2589
%	29%	29%	32%	26%	22%	18%

Source: OMS

In the Atlantic region, the number of offenders released annually on day parole peaked in 1992/93, (492) and then declined to 357 in 1995/96. In 1995/96, offenders released on day parole represented 25% of the incarcerated population compared with 42% in 1992/93. In Quebec, offenders released on day parole rose to 1,569 in 1992/93, and then dropped to 996 by 1995/96. Offenders released on day parole represented 44% of the incarcerated population in Quebec in 1992/93, and 26% in 1995/96.

Trends in day parole releases were very similar in the Ontario, Prairies and Pacific regions during the study period. The number of offenders released on day parole in 1995/96 was about 40% lower than in 1992/93. Offenders released on day parole also comprised similar proportions of the incarcerated population in 1990/91 (20% - 21%) and 1995/96 (13% - 14%).

Offence Profile: The offence profile of the day parole population was examined from several perspectives. In a special study, offenders released on day parole between 1990/91 and 1994/95 were grouped in four offence categories: non-violent; drugs; violent; and murder. Each offender was assigned to only one group based on the most serious offence. The order of offences from most serious to least serious was murder, violent, drugs, and non-violent. The second method in the special study involved placing offenders in more than one offence category. In this approach, an offender convicted of murder and robbery was placed in both groups. The final method for considering the criminal history of offenders on day parole involved the actual offence profile of day parolees on March 31 of fiscal years 1993/94 to 1996/97 as recorded in the Executive Information Systems of CSC and NPB.

TABLE 43
DAY PAROLE RELEASES BY OFFENCE CATEGORY - MOST SERIOUS OFFENCE

	NON-VIOLENT		DRUGS		VIOLENT		MURDER	
Year	Releases	%	Releases	%	Releases	%	Releases	%
1990/91	935	27	514	15	1,863	54	111	3
1991/92	873	23	544	15	2,158	58	142	4
1992/93	1,028	25	618	15	2,335	56	148	4
1993/94	773	22	491	14	2,086	59	194	5
1994/95	698	22	491	16	1,784	57	170	5
1995/96	537	21	393	15	1,503	58	156	6

Source: OMS

During the review period, about 2 of every 10 day parole releases involved offenders with non-violent offence histories. Slightly more than 1 in 10 releases involved offenders incarcerated for drug offences, while less than 1 in 10 involved offenders incarcerated for murder. Offenders incarcerated for violent offences (excluding murder) accounted for about 6 in 10 day parole releases.

Day parole releases involving offenders incarcerated for a non-violent offence peaked in 1992/93 at 1028, and then declined to 537 by 1995/96 (by 48%). For drug offenders, releases reached a high of 618 in 1992/93 before dropping to 393 in 1995/96 (by 36%). Releases of offenders with violent offences also peaked in 1992/93 at 2335 and then declined to 1503 in 1995/96 (by 35%). Releases of offenders incarcerated for murder rose from 1990/91 to 1993/94 and then declined in 1995/96 (by 20%).

Table 44 presents information on the offence profile for day parolees based on the method which counts all federal offences for offenders released on day parole; i.e. offenders incarcerated for robbery and assault are placed in both groups. The sum of the percentages in the Table is, therefore, greater than 100%. As the Table indicates, day paroles involving offenders convicted of manslaughter, sexual offences, robbery or violent (non-sexual) offences have declined, while releases have increased for drug offenders. Day parole releases for offenders convicted of break and enter/theft, other non-violent offences and murder remained steady.

TABLE 44 DAY PAROLE RELEASES - ALL OFFENCES												
	1990/91		1991/92		1992/93		1993/94		1994/95		1995/96	
	#	%	#	%	#	%	#	%	#	%	#	%
Murder	98	4.8	114	5.1	96	3.8	91	3.5	91	4.1	89	4.4
Manslaughter	108	5.2	118	5.3	127	5.0	93	3.6	73	3.3	62	3.1
Sexual Off.	221	11.0	243	11.0	249	9.8	238	9.3	172	7.7	157	7.8
Robbery	494	23.9	504	22.7	566	22.3	469	18.3	359	16.1	307	15.3
Other Violent	648	31.4	674	30.3	728	28.7	683	26.6	496	22.3	438	21.9
Drugs	620	30.1	647	29.1	815	32.1	809	31.5	793	35.6	773	38.6
Fraud	148	7.2	136	6.1	177	7.0	188	7.3	192	8.6	127	6.3
B&E/Theft	654	32.0	639	29.0	784	31.0	942	37.0	688	31.0	548	27.0
Non-violent	1,240	60.1	1,318	59.2	1,460	57.5	1,634	63.7	1,364	61.2	1,183	59.1

Source: OMS

The third approach to the offence profile of day parolees, (i.e. performance monitoring information), indicates that the federal day parole population comprises smaller proportions of non-violent offenders and larger proportions of offenders sentenced for a violent offence (Schedule I, murder). Day parolees sentenced for a non-scheduled offence declined to 12%, while the proportion sentenced for a schedule I offence rose steadily, reaching 60% in 1996/97. Sex offenders, who are part of the schedule I group, remained steady at about 10% of the day parole population. Schedule II offenders (drugs) comprise 16% of the day parole population, slightly higher than in 1993/94. Offenders sentenced for murder remained steady, comprising about 12% of the day parole population.

TABLE 45 OFFENCE PROFILE OF THE FEDERAL DAY PAROLE POPULATION[1] %				
	1993/94	1994/95	1995/96	1996/97
Non-Scheduled	20	20	15	12
Schedule I	55	54	57	60
Schedule II	13	15	17	16
Murder	12	11	11	12

[1] Includes offenders on DP on March 31 of the fiscal year. Source: Executive Information System

Trends for this approach to offence history are consistent with other approaches. For example, while releases of violent offenders on day parole declined in recent years, they remained most numerous, resulting in a growing proportion of day parolees who were incarcerated for a violent offence. At the same time, offenders incarcerated for a non-violent offence declined at a sharper rate than other categories leading to a decline in the proportion of this category of offender in the day parole population.

TABLE 46 OFFENCE PROFILE OF THE DAY PAROLE POPULATION BY REGION (%)										
	Atlantic		Quebec		Ontario		Prairies		Pacific	
	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97
Non-Scheduled	29	20	13	13	17	10	16	13	9	10
Schedule I	48	52	57	56	54	60	63	72	55	50
Schedule II	20	24	21	20	20	20	14	8	7	14
Murder	3	4	9	11	9	10	7	7	29	26

[1] Includes offenders on DP on March 31 of the fiscal year. Source: Executive Information System

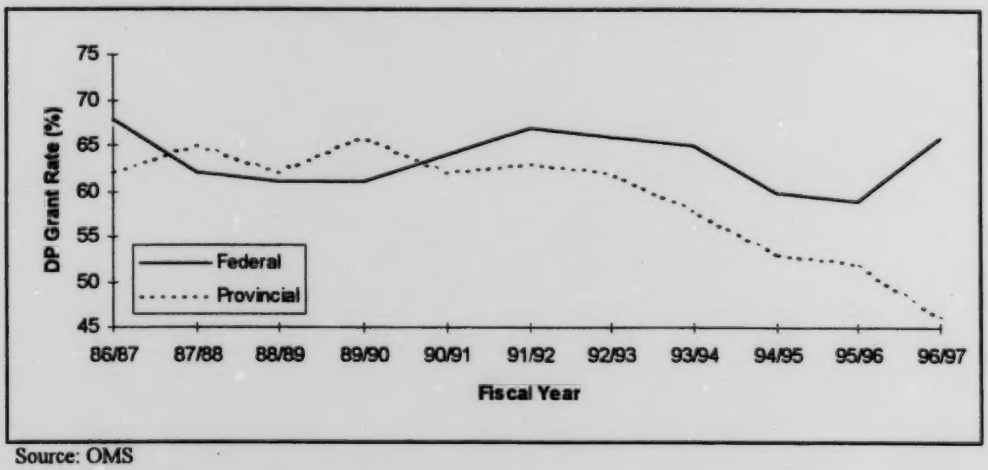
The offence profiles of regional day parole populations generally reflect national trends. The non-scheduled offence group declined in the Atlantic, Ontario and Prairies, while remaining stable in Quebec and the Pacific. Schedule I offenders represent the largest category of day parolees in all regions, from 50% (Pacific) to 72%

(Prairies). Schedule I offenders increased in the Atlantic, Ontario and Prairies regions, remained stable in Quebec, and declined in the Pacific. Sex offenders represent between 10% and 18% of regional day parole populations.

Schedule II offenders comprise 20% or more of day parolees in the Atlantic, Quebec, and Ontario regions, but only 14% in the Pacific, and 8% in the Prairies. Schedule II offenders remained stable as a proportion of the day parole population in Ontario and Quebec, decreased in the Prairies, and increased in the Atlantic and Pacific regions. The proportion of the day parolees sentenced for murder varies considerably by region, from 4% (Atlantic) to 26% (Pacific).

Grant Rates: Over the past decade, the federal day parole grant rate ranged from 59% to 68%, with a downward trend from 1992/93 to 1995/96. In 1996/97, however, the federal grant rate rose to 66%, the highest rate in five years. In comparison, the provincial grant rate has declined annually, including 1996/97, when it fell to 46%, or 16% lower than in 1992/93. Since 1990/91, the grant rate for provincial day parole cases has been lower than the federal rate.

FIGURE 11
DAY PAROLE GRANT RATES - FEDERAL AND PROVINCIAL CASES



Source: OMS

Table 47 compares federal day parole grant rates by sentence type in 1995/96 and 1996/97. Sentence types include determinate (specified period), life (offenders sentenced for murder) and indeterminate (e.g. those with dangerous offender designation).

TABLE 47
GRANT RATES FOR FEDERAL DAY PAROLE BY SENTENCE TYPE

Sentence Type	Reviews		Grants		Grant Rates	
	1995/96	1996/97	1995/96	1996/97	1995/96	1996/97
Determinate	4,905	3,622	2,853	2,372	58%	65%
Lifers	454	420	300	316	66%	75%[1]
Indeterminate	26	13	11	5	42%	38%
Total	**5,385**	**4,055**	**3,164**	**2,693**	**59%**	**66%**

[1] Outcomes of day parole for lifers have been very good. In 1996/97 for example, no lifers were revoked from day parole for a new offence. Source: OMS

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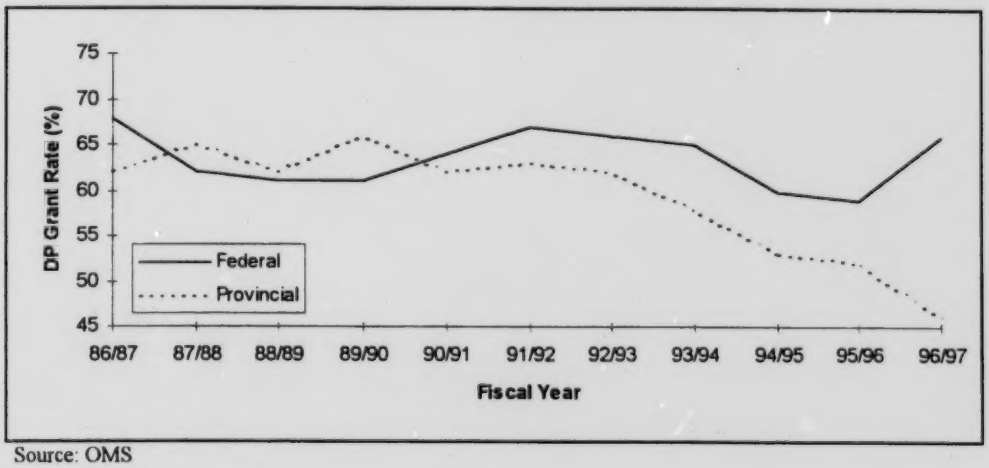

Source: OMS

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[1] Outcomes of day parole for lifers have been very good. In 1996/97 for example, no lifers were revoked from day parole for a new offence. Source: OMS

During the review period, offenders with determinate sentences accounted for about 9 of every 10 federal day parole reviews, and grants. The grant rate for offenders with determinate sentences was 58% in 1995/96, and 65% in 1996/97. Lifers accounted for about 1 in 10 day parole reviews, and grants, and had grant rates of 66% and 75% in 1995/96 and 1996/97, respectively. Offenders with indeterminate sentences accounted for a very small proportion of annual day parole reviews and grants, and had grant rates of 42% and 38%.

Aboriginal Offenders: From 1990/91 to 1995/96, Aboriginal offenders accounted for 9% of those granted day parole, a lower proportion than expected given Aboriginal representation (15%) in the federal incarcerated population. During the review period, the decline in day parole releases for Aboriginal and non-aboriginal offenders was similar at about 15%.

Women Offenders: From 1990/91 to 1995/96, women offenders were granted about 2.5% of the day parole releases. Unlike the general trend in day paroles, the use of day parole for women offenders increased, with releases rising from 80 in 1990/91 to 119 in 1995/96. By 1995/96 women offenders accounted for almost 4% of day parole releases, and about 2% of the incarcerated population.

PUBLIC SAFETY - OUTCOMES OF DAY PAROLE

Information on day parole outcomes was collected from two sources. The first was a special study which provided a random sample of about 700 offenders selected from about 1500 offenders released on day parole between January and June 1994. This period was selected to ensure a minimum 2 year follow-up period for the offenders released on day parole. The second source was the information base used by NPB for monitoring program performance.

Offender Sample: Outcome of day parole was examined in terms of completion of the period of supervision, and four types of incidents before the end of the supervision period: substance abuse violations; being unlawfully at large (UAL); other technical violations; and new offences. Overall, 67% of the sample of offenders completed the period of supervision without return to incarceration, 26% were revoked for technical violations and 7% were revoked for new offences. In total then, 93% of day paroles in the sample yielded an outcome which did not involve a new offence. A breakdown of the types of technical failures showed that the most common were substance abuse. There were regional differences in outcome on day parole, with Ontario having the highest rate of completion (84%) and Quebec having the lowest (55%). The Pacific region had the highest rate of new offences (12%), and the Atlantic had the lowest rate.

Performance Monitoring Information: Data from performance monitoring information address two aspects of day parole outcomes: charges for serious offences, and success rates. Charges for serious offences are considered a short-term indicator of program performance. For this measure, which is considered a general indicator of trends, CSC and NPB monitor annual charges for serious offences for offenders on conditional release (day and full parole, and statutory release) in eight serious offence categories:

- murder;
- attempted murder;
- sexual assault;
- major assault;
- robbery;
- unlawful confinement;
- hostage taking;
- other sensational incidents (e.g. arson).

Charges for serious offences do not include all violent incidents in the community. Instead, they focus on the most serious incidents generally involving violence against the person. The expectation of widespread public concern and extensive media coverage are also key factors in reporting charges.

TABLE 48 CHARGES FOR SERIOUS OFFENCES - DAY PAROLE							
OFFENCE	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Murder	4	4	4	4	4	3	1
Attempt murder	2	8	4	3	3	0	1
Sex assault	11	12	12	7	5	1	0
Major assault	16	8	8	2	4	1	1
Hostage taking	3	0	1	1	1	0	0
Unlawful Confinement	1	5	10	4	2	1	1
Robbery	23	26	33	42	41	8	7
Other Sensational[1]	2	3	1	5	4	1	1
Total	**62**	**66**	**73**	**68**	**64**	**15**	**12**

[1] Includes major drug seizures, arson, etc. Source: EIS

The number of serious charges involving offenders on day parole increased from 1990/91 to 1992/93 and then decreased following the CCRA, to a total of 12 charges by 1996/97. The most significant reduction occurred in charges for robbery, assault, and sexual assault. The 1996/97 total was over 80% lower than in 1992/93. In comparison, day parole releases declined by over 30%, and the day parole population dropped by 46%.

Declines in numbers of charges for serious offences for day parolees were noteworthy. So too were declines in the rates of charge for serious offences per 1000 day parolees under supervision. These rates dropped from a high of 48 charges per 1000 day parolees in 1994/95, to 12 charges per 1000 in 1996/97 (by 75%).

TABLE 49 RATES OF CHARGE PER 1000 OFFENDERS UNDER SUPERVISION - DAY PAROLE							
	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Charges	62	66	73	68	64	15	12
Rate Per 1000	38	37	38	43	48	13	12

[1] Excludes offenders released on DP and who are UAL temporarily detained or deported. Source: EIS

Factors influencing success on parole are complex. But there are strong and persistent indications that parole, demonstrates high rates of success. In this context, success is defined to include:

- completion - releases in which the offender remains under supervision in the community from release date to the end of the period of supervision;
- revocations for violation of release conditions (often referred to as technical violations) - considered positive interventions to reduce risk to the community, these revocations are categorized as an element of program success.

Failure has been defined as any conditional release that results in revocation for a new offence (recidivism). Information on recidivism distinguishes between violent and non-violent reoffending, consistent with the thrust of the CCRA, and public concerns for safety.

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OFFENCE	**1990/91**	**1991/92**	**1992/93**	**1993/94**	**1994/95**	**1995/96**	**1996/97**
Murder	4	4	4	4	4	3	1
Attempt murder	2	8	4	3	3	0	1
Sex assault	11	12	12	7	5	1	0
Major assault	16	8	8	2	4	1	1
Hostage taking	3	0	1	1	1	0	0
Unlawful Confinement	1	5	10	4	2	1	1
Robbery	23	26	33	42	41	8	7
Other Sensational[1]	2	3	1	5	4	1	1
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Declines in numbers of charges for serious offences for day parolees were noteworthy. So too were declines in the rates of charge for serious offences per 1000 day parolees under supervision. These rates dropped from a high of 48 charges per 1000 day parolees in 1994/95 to 12 charges per 1000 in 1996/97 (by 75%).

TABLE 49 RATES OF CHARGE PER 1000 OFFENDERS UNDER SUPERVISION - DAY PAROLE							
	1990/91	**1991/92**	**1992/93**	**1993/94**	**1994/95**	**1995/96**	**1996/97**
Charges	62	66	73	68	64	15	12
Rate Per 1000	38	37	38	43	48	13	12

[1] Excludes offenders released on DP and who are UAL temporarily detained or deported. Source: EIS

Factors influencing success on parole are complex. But there are strong and persistent indications that parole demonstrates high rates of success. In this context, success is defined to include:

- completion - releases in which the offender remains under supervision in the community from release date to the end of the period of supervision;
- revocations for violation of release conditions (often referred to as technical violations) - considered positive interventions to reduce risk to the community, these revocations are categorized as an element of program success.

Failure has been defined as any conditional release that results in revocation for a new offence (recidivism). Information on recidivism distinguishes between violent and non-violent reoffending, consistent with the thrust of the CCRA, and public concerns for safety.

Table 50 FEDERAL DAY PAROLE SUCCESS RATE										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completion	3,585	66	3,694	73	3,406	75	3,001	80	2,578	83
Tech. Revoc/other*	1,384	26	994	20	872	19	584	16	455	13
Total Success	**4,969**	**92**	**4,688**	**93**	**4,278**	**94**	**3,585**	**96**	**3,033**	**96**
RECIDIVISM (Revocations with offence)										
Non-violent	360	6	256	5	171	4	132	3	84	3
Violent	99	2	83	2	68	1	56	1	26	1
Total Recidivism	**459**	**8**	**339**	**7**	**239**	**5**	**188**	**4**	**110**	**4**
Total	**5,428**	**100**	**5,027**	**100**	**4,517**	**100**	**3,773**	**100**	**3,143**	**100**

* "Other" completions include supervision inoperative, supervision interrupted, suspension, etc. Violent offences: Schedule I; first and second degree murder. Source: OMS and NPB Performance Monitoring Information.

Since the CCRA, the day parole program has had high and improving success rates. By 1996/97, the success rate had reached 96%, with only 4% recidivism, including 1% violent recidivism. Rates of completion for day parole have increased from 66% to 83%, while rates for technical violation decreased from 26% to 13%. The recidivism rate has also declined, from 8% to 4%. Revocations for non-violent offences dropped from 360 to 84 (by 77%), and revocations for violent offences dropped from 99 to 26 (by 74%). During the review period, the day parole population decreased by 46%, while revocations for new (and violent) offences decreased by over 70%, suggesting that factors other than just population size contributed to improvement in day parole in terms of public safety.

CASE PREPARATION AND DAY PAROLE

The CCRA specifies that day parole be used as preparation for full parole or SR. For day parole to be preparatory to subsequent releases, an effective correctional planning process should be in place. During work for the CCRA review, elements of correctional planning were examined using a sample of offenders released on day parole in 1994. The elements examined were the use of correctional plans, programs, temporary absences, the General Statistical Index on Recidivism (GSIR), and the setting of correctional goals for offenders. Components of the release plan were also examined. The release plan compliments programming, work, and other activities in which the offender is involved during incarceration. The release plan should include destination and accommodation plans, educational and employment plans, and programs to be completed in the community. The relationship between day parole and full parole or SR was examined to assess if day parole was used as preparation for subsequent release.

Correctional Plans: Of the offenders who had a correctional plan, about half mentioned day parole. When day parole was mentioned, it was in the context of what the offender had to accomplish to receive support for the day parole application. Support for the day parole application was generally contingent upon the completion of programming. In terms of specific day parole planning, most offenders had specific goals to achieve while on day parole, and in most cases these goals were treatment-oriented. Goals such as attending programs in the community were given good direction, while goals such as jobs were not given the same quality of direction. The results suggest that there may be a need to give other goals, such as work, the same type of detailed direction as treatment oriented goals.

Programs: Most offenders were referred for at least one program, and on average, they were referred for four. On average, offenders completed about three programs. Completion of recommended programs ranged

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* "Other" completions include supervision inoperative, supervision interrupted, suspension, etc. Violent offences: Schedule I; first and second degree murder. Source: OMS and NPB Performance Monitoring Information.

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Programs: Most offenders were referred for at least one program, and on average, they were referred for four. On average, offenders completed about three programs. Completion of recommended programs ranged

from 65% (cognitive skills) to 96% (religious programs), with an average completion rate of about 80%. Substance abuse programs were recommended for 66% of the offenders. The completion rate for these programs was 78%. Failure to complete programs was generally the result of lengthy waiting lists, delays in the referral process, or in a small percentage of cases, inability to complete the program (2% to 3%).

Release Plans: Release plans indicated that most offenders (94%) were required to continue rehabilitation by attending programs in the community. About half of the offenders were required to continue work at an existing job, while less than a fifth of the offenders were required to attend educational/vocational training. During the day parole period, most offenders resided at CRCs, and participated in rehabilitation and work programs. Educational/vocational programs were not frequently recommended for day parole, and only 55% of those who were recommended for these programs actually participated. Offenders who failed to participate in recommended programs had a day parole completion rate of 35%, while those who did participate had a completion rate of about 80%.

Preparation For Subsequent Release: Most of the pre-release documentation included reference to either full parole (62%) or SR (14%), suggesting that day parole is being viewed in the context of other releases. While SR was mentioned in pre-release documents for only 14% of the offenders, about 50% of day parolees were actually released at their SR date.

Several factors indicate that day parole is being used to prepare offenders for full parole or SR. First, the reference to either full parole or SR occurred in 76% of the cases, suggesting that case management had created a plan that went beyond the day parole period. Second, the activities pursued on day parole, especially job-related activities, are associated with decreased recidivism, and overall success beyond warrant expiry. Third, the day parole period provides offenders with an opportunity to participate in programs that promote prosocial behaviour, while still creating a relatively structured environment. These programs enhance the likelihood of being successful on full release. In fact, offenders who attended programs in the community were almost five times as likely to be successful on day parole as those offenders who did not attend programs. Successful day paroles lead to success on less structured releases.

General Statistical Information On Recidivism (GSIR): One of the best predictors of outcome on day parole was the SIR score, with 87% of the offenders assessed as low risk being successful on day parole, and 42% of the high risk offenders being successful. High risk offenders were almost eight times more likely to commit an offence on day parole than low risk offenders. Rates of return to the institution for high risk offenders were high, at around 50%, regardless of time of release.

Temporary Absences: Having a TA was positively related to day parole. Over 75% of offenders who were selected for a temporary absence were successful on day parole, while those without TA experience had a success rate of 64%.

ACCELERATED PAROLE REVIEW FOR DAY PAROLE

In July 1997, Bill C-55 introduced accelerated parole review (APR) for day parole. Through these amendments, first time, non-violent federal offenders, and drug offenders whose parole eligibility date was not set at one-half of sentence by the sentencing judge become eligible for automatic review for day parole by NPB. These offenders must be released on day parole at one-sixth of sentence if the Board determines that they are not likely to reoffend violently while under supervision in the community. Implementation of these provisions had a considerable impact on the federal day parole population. On March 31, 1997, this population was 1079. By September 30, 1997, it had grown to 1499, primarily as a result of APR day parole cases.

APR involves two levels of case review. In the initial review (APRI), the Board reviews the offender's file to assess the likelihood of violent reoffending. At this stage, if there are no reasonable grounds to believe the

offender is likely to commit an offence involving violence, the Board directs release to day parole. If the Board does not direct release at the initial review, a hearing is held (APRF) which the offender attends.

Between July 1, and September 30, 1997, the Board carried-out 657 APR reviews for day parole (550 initial reviews and 107 final reviews) involving 550 offenders. These APR day parole reviews resulted in decisions to release 470 offenders for a directed release rate of 85%. By September 30, 291 offenders had actually been released, including 253 who remained under supervision, 18 who had proceeded to full parole, 2 who had satisfied their day parole and had returned to incarceration, 7 who were UAL, and 11 who were temporarily detained. The community performance of these offenders will be monitored closely to assess the impact of day parole following APR, not only on the day parole program, but also for full parole and statutory release.

TABLE 51
APR AND DAY PAROLE - JULY TO SEPTEMBER 1997

	Atlantic	Quebec	Ontario	Prairies	Pacific	Canada
Initial reviews	75	170	145	137	23	550
Final reviews	29	14	47	14	3	107
Total reviews	**104**	**184**	**192**	**151**	**26**	**657**
Offenders reviewed	71	155	156	144	24	550
Decisions to release	53	146	124	123	24	470
Release rate	**72%**	**94%**	**81%**	**87%**	**100%**	**85%**
Under supervision	29	75	70	66	13	253
Move to FP	2	6	4	4	2	18
Suspended UAL	--	--	3	4	--	7
Temp. detained	2	1	4	4	1	11
DP satisfied	--	--	2	--	--	2

Source: OMS

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Move to FP	2	6	4	4	2	18
Suspended UAL	–	–	3	4	–	7
Temp. detained	2	1	4	4	1	11
DP satisfied	–	–	2	–	–	2

Source: OMS

5.2.3.2 FULL PAROLE

Full parole is a crucial element of conditional release. It is designed to provide an opportunity for offenders to serve up to two thirds of their sentence in the community, subject to a decision by NPB. Full parole accounts for the largest proportion of the federal conditional release population, representing 50% to 60% of offenders in the community each year. Full parole is, therefore, pivotal for issues of public safety and reintegration.

Reform of full parole through the CCRA reflected widespread concerns for public safety, and the need to focus efforts on high risk, violent offenders. Rigorous, case specific risk assessment was emphasized in considering parole for violent offenders. For non-violent offenders, however, an alternative was developed - accelerated parole review (APR). APR was designed to provide a more efficient parole review process, and, as such, to reduce the incarcerated population and related costs. The APR provisions as set out in 1992, did not provide for earlier release on parole, but rather provided a process intended to ensure that eligible offenders would be released on full parole at their full parole eligibility date (FPED).

ACCELERATED PAROLE REVIEW

All offenders serving their first federal sentence who have not been sentenced for a violent offence (schedule I, murder), or for a serious drug offence (schedule II) for which the judge set the parole eligibility at one half of sentence had to have their parole reviewed by the Board using the APR process and criteria. Through this process, CSC must review and refer the case of any offender eligible for APR to the Board, at least three months prior to the offender's full parole eligibility date (FPED). The Board must conduct a review using all available information including social and criminal history (with young offender information, if appropriate) and behaviour while in custody. Of particular importance is any information which suggests a potential for violent behaviour prior to the end of sentence.

The NPB conducts a file review no later than seven weeks before the offender's FPED. If there is no information to indicate that the offender is likely to commit a violent offence before the end of sentence, the NPB must direct CSC to release the offender at FPED. Following the file review, if the Board does not direct the release of the offender, a hearing must be held for the offender before FPED, using the same criteria as for the paper review, that is, the likelihood for violent reoffending.

The APR process differs from the normal process in two ways. First, there is no parole hearing initially. The APR process calls for a file review in the first instance. The normal parole review process requires a hearing with members of NPB and the offender prior to any release. The second difference involves the criteria used to determine if the offender should be released. The normal criteria for parole involve an assessment of whether the offender, by reoffending, will present an undue risk to society, and that release will facilitate reintegration in the community. The APR criterion involves a narrower test, that is, whether or not the offender is likely to commit a violent offence prior to the end of sentence. If there is no information to indicate that violence is likely, the Board must direct release.

SUMMARY OF FINDINGS

The CCRA introduced major change to full parole, particularly through provisions for accelerated parole review for first-time, non-violent federal offenders, and emphasis on extensive risk assessment, and risk management for violent offenders.

Full parole is a critical aspect of conditional release, accounting for 50% to 60% of offenders in the community each year. Within the federal full parole program, APR has become a key element. APR has accounted for 36% of full parole reviews, and 54% of full parole releases in recent years.

After initial difficulties, the process of selection of offenders eligible for APR is working effectively. Offenders who meet the APR criteria are being identified by CSC, and considered by the Board in a timely manner. As anticipated, APR has resulted in the movement of significant numbers of offenders to the community, about 1,100 per year, on average. APR offenders have had high rates of release on full parole. Since 1992/93, more than 8 of every 10 offenders reviewed using the APR criteria and process have been directed to release on full parole. In comparison, about 2 in 10 offenders reviewed for regular full parole were granted a release.

APR was designed to ensure that low risk offenders are released on full parole on, or close to, their full parole eligibility date (FPED), and this has occurred. In the post-CCRA period, APR cases were released within 15 days of FPED, on average. Prior to the Act, APR type cases were released 114 days after FPED. From a broader perspective, first release on full parole for all types of offenders occurred closer to FPED in the post-CCRA period. After the Act, offenders served 38% of their sentence, on average, before first release on full parole. Before the CCRA, offenders served an average of 40% of their sentence before first full parole.

APR resulted in release on full parole closer to FPED, but, on average, it did not yield anticipated reductions to the proportion of sentence served in an institution by APR offenders. Prior to the CCRA, offenders who met the APR criteria served an average of 43% of their sentence incarcerated. In the post-CCRA years, APR offenders served 46% of their sentence in an institution on average. Factors contributing to the increase in the proportion of sentence incarcerated include:

- the choice by increasing numbers of offenders eligible for APR to forego a day parole application and opt to wait for an APR process for full parole;
- the number of APR releases resulting in revocations of full parole for a breach of conditions of release or for a new offence;
- the tendency to consider offenders who are eligible for APR but not directed to release on full parole as "violent offenders" who should remain incarcerated to SR date.

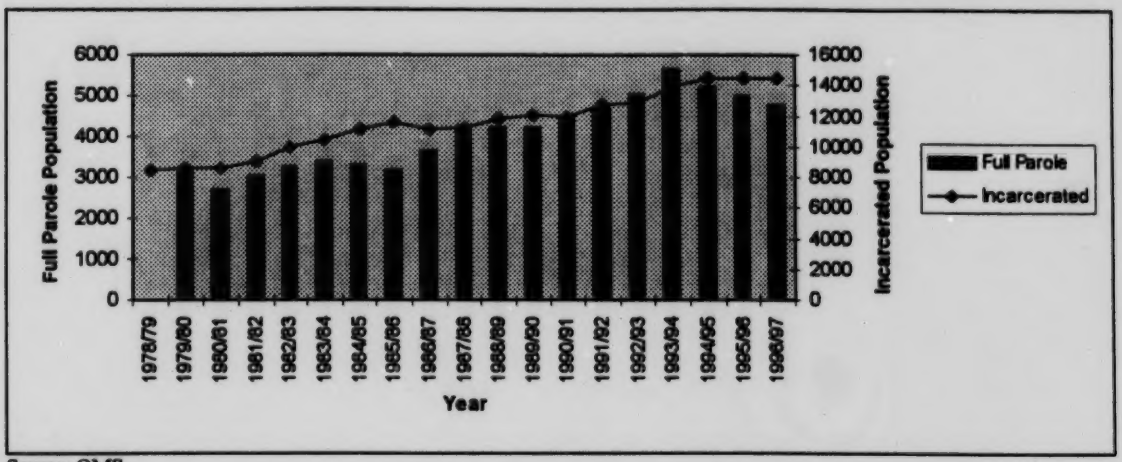
From a public safety perspective, both regular full parole and APR cases demonstrate high levels of success. In 1996/97, for example, the success rate for regular full parole was 92% compared with 85% for APR. Data for 1996/97 also demonstrate some differences in the outcomes of regular full parole and APR cases. Offenders released on regular full parole were more likely (72%) to complete their period of supervision than offenders directed to full parole following APR (56%). Regular full parolees were less likely to be revoked for a technical violation (20%) than APR cases (29%). Offenders released on regular full parole were also less likely to be revoked for a new offence (8%) than APR cases (15%). Levels of violent reoffending by APR cases and by regular full parolees are low (1% and 2% respectively).

FULL PAROLE TRENDS

Full Parole Population: Long-term information indicates that offenders on full parole consistently represent the largest group of federal offenders on conditional release. Over the past 20 years, the federal full parole population has ranged from 2700 to 5700, and from 46% to 60% of federal offenders in the community.

Prior to the CCRA, the full parole population generally reflected trends in the incarcerated population. That is, as the number of incarcerated offenders increased, so too did the number of offenders on full parole. After the CCRA, however, the full parole population declined by 13%, while the incarcerated population continued to grow by 4%. It should, however, be noted that the full parole population remains higher in number than in the pre-CCRA years.

FIGURE 12
COMPARISON OF FULL PAROLE AND INCARCERATED POPULATIONS



Source: OMS

All regions experienced growth in their federal full parole populations over the 10 year review period, but the extent of growth varied, from 6% in the Atlantic to 48% in Ontario. Quebec, the Prairies and the Pacific experienced population growth of 22%, 42%, and 27% respectively. In comparing 1996/97 with 1992/93, the year of CCRA implementation, data indicate that the federal full parole population remained steady in Ontario and the Prairies, while declining in the Atlantic (-25%), Quebec (-18%), and the Pacific (-6%).

TABLE 52
FULL PAROLE POPULATION[1] BY REGION

	Atlantic			Que	Ont	Prairies			Pac	National		
Year	Fed	Prov	Total			Fed	Prov	Total		Fed	Prov	Total
1986/87	386	223	609	1248	942	625	244	869	451	3652	467	4119
1987/88	498	214	712	1466	970	758	222	980	552	4244	436	4680
1988/89	421	286	707	1493	1090	675	295	970	550	4229	581	4810
1989/90	387	255	642	1561	1067	626	251	877	581	4222	506	4728
1990/91	429	263	692	1620	1110	706	200	906	603	4468	463	4931
1991/92	466	242	708	1579	1248	800	227	1026	602	4695	469	5164
1992/93	566	268	824	1620	1371	897	212	1109	606	5060	497	5557
1993/94	540	291	831	1841	1673	937	164	1101	680	5671	455	6126
1994/95	468	223	691	1775	1502	845	107	952	636	5226	330	5556
1995/96	436	138	574	1666	1420	865	126	991	600	4987	264	5251
1996/97	409	143	552	1517	1393	889	174	1063	571	4779	317	5096

[1] Includes offenders who have been paroled and deported, or who are UAL or temporarily detained. Source: OMS

The provincial full parole population declined sharply from 1992/93 to 1995/96 in both the Atlantic (by 130 offenders, 49%), and the Prairies (by 86 offenders, 41%). In 1996/97, the provincial full parole populations rose in both regions, but remained lower than in 1992/93.

Full Parole Reviews: Nationally, federal full parole reviews have declined steadily since the CCRA. In comparing 1992/93 and 1996/97, federal full parole reviews decreased from 7200 to 4600 (2600 reviews, 36%). During the same period, the federal full parole population declined by 9%, while the incarcerated population increased by 12%. By region, declines in federal full parole reviews ranged from 18% in Ontario to 49% in Quebec.

TABLE 53 FEDERAL FULL PAROLE REVIEWS[1] (PRE-RELEASE)						
	ATL.	QUE.	ONT.	PRA.	PAC.	CAN.
1992/93	850	2753	1447	1479	714	7243
1993/94	897	2477	1712	1485	739	7310
1994/95	921	2235	1757	1570	679	7162
1995/96	769	1872	1533	1326	592	6092
1996/97	512	1421	1186	1119	394	4632

[1] Includes only reviews where the Board made a decision to grant/direct or deny/not direct full parole. Source: OMS

APR cases comprised a growing proportion of NPB reviews for federal full parole in the post-CCRA period. From 1993/94, the first full year of implementation of the new Act, to 1996/97, APR cases grew from 23% to 36% of all full parole reviews (pre-release). Most APR reviews (60% to 70%) were file reviews, with the remainder involving hearings (30% to 40%).

TABLE 54 COMPARISON OF APR AND TOTAL FULL PAROLE REVIEWS (PRE-RELEASE)					
	1992/93	1993/94	1994/95	1995/96	1996/97
Total Reviews	7243	7310	7162	6092	4632
APR Reviews	516	1645	1935	1720	1685
Percentage	7%	23%	27%	28%	36%

Source: OMS

TRENDS IN APR

Information about APR was collected through a special study carried-out for the CCRA review. Trends in APR are discussed from several perspectives including age on admission, gender, race, sentence length, and type of offences. For the review, offenders were divided into four groups:

- offenders who met APR criteria prior to the CCRA, (they would have been eligible for APR);
- offenders who were eligible for APR after the CCRA;
- offenders who would have been ineligible for APR prior to the CCRA as a result of offence, previous federal incarceration or both; and
- offenders who were ineligible for APR after the CCRA as a result of offence, previous federal incarceration or both.

Age At Admission: The mean age at admission for APR eligible offenders before and after the CCRA remained steady, between 30 and 31 years. Offenders ineligible for APR because of their offence were similar in age to offenders who were eligible for APR. Offenders who were ineligible because of previous admission or offence type and previous admission were 3 to 4 years older. Offenders eligible for APR had a lower age on admission than the average age of warrant of committal admissions from 1991/92 to 1995/96.

TABLE 55 MEAN AGE AT ADMISSION FOR VARIOUS GROUPS							
	Incarcerated Offenders		WOC Admissions[5]				
APR Category	Pre-CCRA	Post-CCRA	91/92	92/93	93/94	94/95	95/96
APR Eligible[1]	30.4	30.9	32	32	31	32	33
APR Ineligible							
• For offence type[2]	30.3	31.7					
• For previous admission[3]	34.5	35.9					
• For offence type and for previous admission	33.1	35.1					

[1] Offenders released prior to the CCRA who met the criteria specified in the CCRA. [2] Ineligible offences are those listed on Schedule I (violent offences), Schedule II (drug offences) for which the judge set parole eligibility at 50% of the sentence. [3] Previous admission to a federal institution. [4] Ineligible as a result of offence type and previous federal sentence. [5] WOC - Warrant of Committal.

Day Parole Releases: Previous information indicated that fewer offenders (-20%) eligible for APR actually applied for day parole in recent years. Table 56 expands on this finding by illustrating the proportion of offenders eligible and ineligible for APR who were released on day parole. Day paroles for the APR eligible cases declined by 24%. Similar declines did not occur for comparison groups.

TABLE 56
DAY PAROLE AS A FIRST RELEASE FOR APR ELIGIBLE AND NON-ELIGIBLE OFFENDER GROUPS

	PROPORTION WITH DAY PAROLE RELEASES			
	APR Eligible[1]	Ineligible For Offence[2]	Ineligible For Previous Admission[3]	Ineligible For Both[4]
Pre-CCRA	68%	56%	56%	45%
Post-CCRA	44%	56%	58%	47%

1 Offenders released prior to the CCRA who met the criteria specified in the CCRA.
2 Ineligible offences are those listed on Schedule I (violent offences), or Schedule II (drug offences) for which the judge set parole eligibility at 50% of the sentence.
3 Previous admission to a federal institution. 4 Ineligible as a result of offence type and previous federal sentence.

Gender: Sample data indicated that males accounted for 95% of APR eligible cases in the pre-CCRA period and 97% after the Act. Women offenders accounted for about 5% of the APR eligible cases pre-CCRA, slightly higher than their representation in the inmate population (2% to 3%). In the post-CCRA period, women accounted for 3% of APR eligible offenders. Women were most likely to be ineligible for APR because of offence type (3%). Women accounted for only 1% of offenders ineligible for APR because they had multiple admissions or multiple admissions and a violent or serious drug offence.

TABLE 57
MALE AND FEMALE OFFENDERS AND APR

	APR Eligible[1]	Ineligible Offence[2]	Ineligible Admission[3]	Both[4]
Pre-CCRA				
• Male	95%	97%	99%	99%
• Female	5%	3%	1%	1%
Post-CCRA				
• Male	97%	97%	99%	99%
• Female	3%	3%	1%	1%

1 Offenders released prior to the CCRA would not receive APR, but they met the criteria as specified in the CCRA.
2 Ineligible offences are those listed on Schedule I (violent offences) and Schedule II offences (drug offences) for which the judge set parole eligibility at 50% of the sentence.
3 Previous admission to a federal institution. 4 Ineligible as a result of offence type and previous federal sentence.

Aboriginal Offenders: Aboriginal offenders accounted for 15% of the incarcerated population, but only 7% of offenders eligible for APR. Aboriginal offenders are excluded from the APR process more because of their offence or because of offence and previous incarceration than because of a previous federal incarceration.

TABLE 58 APR ELIGIBILITY AND ABORIGINAL OFFENDERS				
	APR Eligible[1]	Ineligible Offence[2]	Ineligible Admission[3]	Both[4]
Pre-CCRA				
• Non Aboriginal	93%	84%	92%	84%
• Aboriginal	7%	16%	8%	16%
Post-CCRA				
• Non Aboriginal	93%	85%	92%	85%
• Aboriginal	7%	15%	8%	15%

1 Offenders released prior to the CCRA would not receive APR, but they met the criteria as specified in the CCRA.
2 Ineligible offences are those listed on Schedule I (violent offences) and Schedule II offences (drug offences) for which the judge set parole eligibility at 50% of the sentence.
3 Previous admission to a federal institution. 4 Ineligible as a result of offence type and previous federal sentence.

Sentence Length: From 1991/92 to 1995/96, average sentence length for warrant of committal admissions ranged from 43 months to 46 months (Table 4, p.13). Offenders eligible for APR had shorter sentences (34 to 37 months). Offenders who were APR ineligible because of previous admission also had shorter sentence lengths (34 and 38 months) than WOC admissions. Offenders who were APR ineligible because of offence had a mean sentence length of 52 months in the post-CCRA period, 15 months longer than APR eligible offenders. Offenders who were ineligible due to offence type and previous admission had a mean sentence length of 60 months in the post-CCRA period, 8 to 23 months longer than other groups.

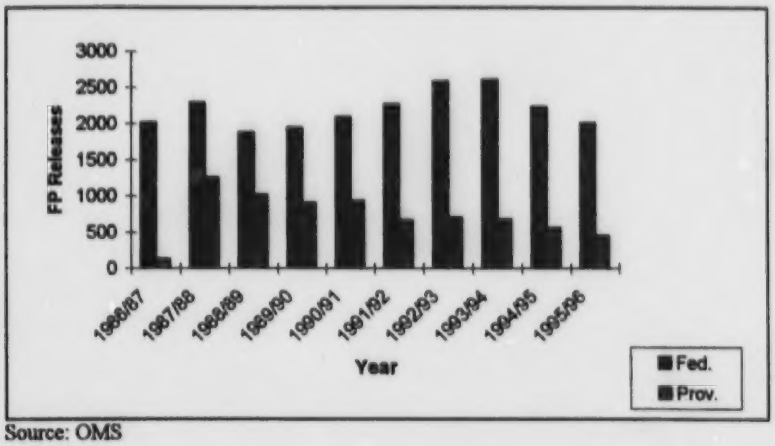
TABLE 59 MEAN SENTENCE LENGTH APR OFFENDERS IN MONTHS				
	APR Eligible[1]	Ineligible Offence[2]	Ineligible Admission[3]	Ineligible Both[4]
Pre-CCRA	34	37	34	41
Post-CCRA	37	52	38	60

1 Offenders released prior to the CCRA would not receive APR, but they met the criteria as specified in the CCRA.
2 Ineligible offences are those listed on Schedule I (violent offences) and Schedule II offences (drug offences) for which the judge set parole eligibility at 50% of the sentence. 3 Previous admission to a federal institution. 4 Ineligible as a result of offence type and previous federal sentence.

REINTEGRATION - TRENDS IN RELEASE

Full Parole Releases: In the past 10 years, provincial full parole releases have declined steadily, dropping by 750 releases or 62%. Federal full parole releases rose gradually in the pre-CCRA years, but declined steadily after the Act. Since 1992/93, federal full parole releases have declined by 580 (22%).

FIGURE 13
FULL PAROLE RELEASES



Source: OMS

APR Releases: APR releases comprise increasing proportions of annual full parole releases. In 1993/94, the first full year of implementation of the Act, APR cases accounted for 30% of federal full parole releases. By 1995/96, this proportion had grown to 54%.

TABLE 60
FEDERAL FULL PAROLE RELEASES BY TYPE

	1992/93		1993/94		1994/95		1995/96	
	#	%	#	%	#	%	#	%
Regular FP	2225	86	1528	70	1080	49	917	46
APR cases	350	14	1070	30	1147	51	1081	54
Total	**2575**	**100**	**2598**	**100**	**2227**	**100**	**1998**	**100**

Source: OMS

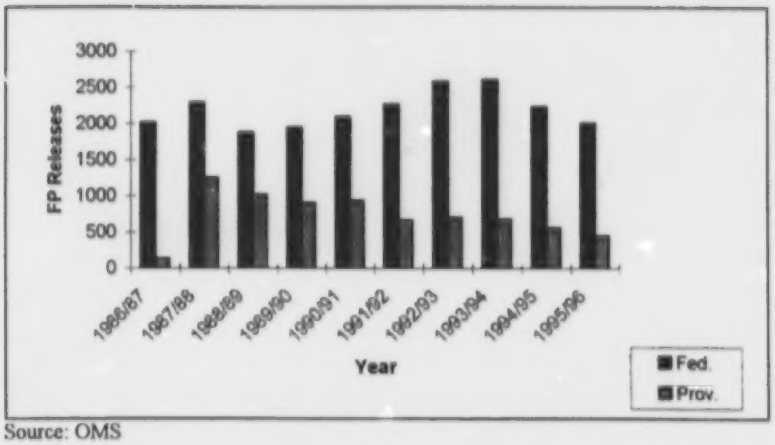
Timing of Full Parole Release: Since 1992/93, there has been a slight decrease in the proportion of sentence served by offenders prior to their first release on full parole, presumably as a result of the APR provisions of the CCRA. Nationally, the average amount of the sentence served prior to first release on full parole decreased by 2% (1 month on a 4 year sentence) from 1992/93 to 1996/97. Regional trends generally reflect national patterns, with the most significant decrease in Quebec (-4%). In the Pacific, however, the percentage of sentence served actually increased, due perhaps to the more violent offence profile and/or the larger proportion of offenders categorized as high risk in that region.

TABLE 61
TIMING OF FIRST FULL PAROLE[1] RELEASE IN SENTENCE (%)

	1992/93	1993/94	1994/95	1995/96	1996/97
Atlantic	39	39	39	40	38
Quebec	41	39	38	38	37
Ontario	40	39	38	38	38
Prairies	40	38	37	37	39
Pacific	37	39	38	41	39
Canada	40	39	38	38	38

[1] Includes all offenders with a determinate sentence who were released on full parole. Source: OMS

FIGURE 13
FULL PAROLE RELEASES



Source: OMS

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Quebec	41	39	38	38	37
Ontario	40	39	38	38	38
Prairies	40	38	37	37	39
Pacific	37	39	38	41	39
Canada	40	39	38	38	38

[1] Includes all offenders with a determinate sentence who were released on full parole. Source: OMS

Timing of APR Releases: Prior to the CCRA, offenders who would have been eligible for APR were released, on average, 115 days after their parole eligibility date. After implementation of APR, the same type of offender was released, on average, within 15 days of FPED, a decrease of 86%. The time from parole eligibility to parole release declined for the comparison groups, but the decline was relatively minor (3% to 15%), compared to the APR eligible offenders. These times are based only on cases that were released on parole. Many offenders in the comparison groups may not have been released on parole.

TABLE 62
MEAN TIME (in days) FROM PAROLE ELIGIBILITY DATE TO RELEASE ON FULL PAROLE

	APR Eligible	Ineligible Offence[1]	Ineligible Admission[2]	Both[3]
Pre-CCRA	115	173	149	241
Post-CCRA	15	158	144	205

Note: most cases are released at parole eligibility date. [1] Ineligible offences are those listed on Schedule I (violent offences) or Schedule II (drug offences) for which the judge orders eligibility for parole at 50% of the sentence rather than at 33%.
[2] Ineligible admissions are not serving their first federal sentence. [3] Ineligible because of their offence and their admission.

Another measure of how APR affected the release of offenders is the proportion of sentence served before first release. Prior to the CCRA, offenders eligible for APR served about 39% of their sentence before release. After the CCRA this decreased to 34%. Comparison groups showed smaller change (1% - 2%) in the percentages of time served before release.

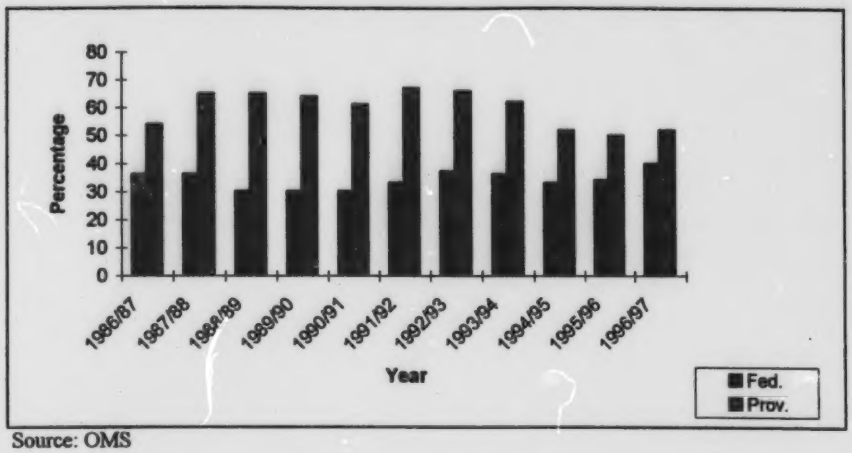
TABLE 63
PERCENTAGE OF SENTENCE SERVED UNTIL FIRST RELEASE

	APR Eligible	Ineligible Offence[1]	Ineligible Admission[2]	Both[3]
Pre-CCRA	39%	50%	47%	56%
Post-CCRA	34%	48%	48%	54%

[1] Ineligible offences are those listed on Schedule I (violent offences) and Schedule II offences (drug offences) for which the judge orders eligibility for parole at 50% of the sentence rather than at 33%. [2] Ineligible admissions are not serving their first federal sentence. [3] Ineligible because of their offence and their admission.

Full Parole Grant Rates: The federal full parole grant rate has ranged from 30% to 40% in the past decade, with the lowest rates occurring from 1988/89 to 1990/91, and the highest rate in 1996/97. In comparison, provincial grant rates ranged from 50% to 67%, with peak periods in 1991/92 and 1992/93. Provincial grant rates were consistently higher than federal rates, by as much as 35% in the pre-CCRA years. After the CCRA, however, the gap between federal and provincial rates closed quickly to 12% by 1996/97.

FIGURE 14
FULL PAROLE GRANT RATES (%)



Source: OMS

Regional rates for federal full parole generally reflected national trends in 3 of 5 regions. The rates in the Atlantic, Ontario and the Prairies declined steadily from 1992/93 to 1995/96 before increasing in 1996/97. In Quebec, the rate rose from 27% to 34% by 1993/94, and remained at 34%. The rate in the Pacific also remained stable (24% to 26%), from 1992/93 to 1995/96, but rose to 33% in 1996/97. During the review period, federal full parole grant rates were generally highest in the Atlantic and lowest in the Pacific.

In comparison, the provincial full parole grant rate declined steadily from 1991/92 to 1996/97. The rate in the Atlantic ranged from 56% to 72%, with lowest rates in recent years. The rates in the Prairies were consistently lower than the Atlantic varying from 38% to 67%. Rates in the Prairies were lowest in the post-CCRA period.

TABLE 64
FULL PAROLE GRANT RATES (%)

	ATLANTIC		QUE	ONT	PRAIRIES		PAC	CANADA	
	FED	PROV			FED	PROV		FED	PROV
1991/92	47	72	24	49	35	67	26	33	67
1992/93	55	67	27	48	40	62	26	37	66
1993/94	49	72	34	45	39	50	26	38	62
1994/95	36	60	34	35	34	38	24	33	52
1995/96	37	56	34	37	36	42	24	34	50
1996/97	47	57	34	43	45	48	33	40	52

Source: OMS Includes grant rates for regular full parole and rates of directed release for APR cases.

The federal full parole grant rate in Table 64 is, in fact, a combined rate in the post-CCRA period. It includes a grant rate for regular full parole, and a rate of directed release to full parole following APR. Table 65 illustrates federal full parole grant rates by type of release.

TABLE 65 RATES OF DIRECTED RELEASE AND GRANT FOR FEDERAL FULL PAROLE*						
	ATLANTIC %	QUEBEC %	ONTARIO %	PRAIRIES %	PACIFIC %	CANADA %
1992/93						
Directed	78	96	88	84	86	89
Grant	53	24	44	38	21	34
Combined	55	27	48	40	26	37
1993/94						
Directed	71	94	86	84	81	86
Grant	43	22	30	30	20	27
Combined	49	34	45	39	26	38
1994/95						
Directed	61	92	84	72	79	80
Grant	29	19	18	21	14	20
Combined	36	34	35	34	24	33
1995/96						
Directed	70	91	84	80	76	83
Grant	27	17	20	20	13	19
Combined	37	34	37	36	24	34
1996/97						
Directed	80	85	81	82	87	83
Grant	29	16	25	29	20	23
Combined	47	34	43	45	33	40

* Prior November 1992, many cases now considered APR were regular full parole. Source: OMS

Since 1992/93, rates of directed release to full parole have ranged from 80% to 89%. The rate remained stable in 1995/96 and 1996/97 at 83%. Regional rates varied considerably (from 61% to 96%), but variations have decreased in recent years. In 1996/97, for example regional rates varied by 7 percentage points or less. There were also significant differences in the proportion of offenders in each region who were APR eligible. In the Atlantic region, one quarter of admissions were eligible for APR, whereas in the Pacific, only 12% were eligible.

For regular full parole, the national grant rate declined from 34% to 19%, before rising to 23% in 1996/97. By region, during the period 1992/93 to 1995/96, grant rates ranged from 13% to 53% and demonstrated a steady downward trend, before rising in all regions but Quebec in 1996/97. Grant rates for regular full parole were consistently highest in the Atlantic region and lowest in the Pacific.

Full Parole Grant Rates by Sentence Type: Table 66 illustrates rates of directed release/grant for full parole in 1995/96 and 1996/97 for offenders sentenced for determinate and indeterminate, and life sentences.

- Rates of directed release (83%) for offenders with determinate sentences (APR cases) are much higher than grant rates for offenders with determinate or indeterminate sentences.
- Offenders with determinate sentences represent 80% of the incarcerated population but account for 90% of federal full parole decisions, and 95% of decisions to direct/grant.
- APR cases account for about 36% of all full parole decisions, but about 60% of all decisions to grant/direct release.
- Within the determinate sentence group, grant rates for regular full parole were 19% and 23%.

- Offenders with indeterminate sentences account for 2% of full parole decisions, but less than two tenths of one percent of decisions to release.
- Lifers account for 6% of all full parole decisions, and 5% of decisions to grant.

TABLE 66
RATES OF DIRECTED RELEASE/GRANT BY SENTENCE TYPE

	Determinate		Indeterminate		Life		Total	
	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97
APR								
- Decisions	1313	1274	-	-	-	-	1313	1274
- Directed	1087	1052	-	-	-	-	1087	1052
- Rate (Directed)	83%	83%	-	-	-	-	83%	83%
REGULAR								
- Decisions	3783	2699	116	84	353	242	4252	3029
- Grant	720	611	3	2	85	72	808	685
- Rate (Grant)	19%	23%	3%	2%	34%	30%	19%	23%
ALL FP								
- Decisions	5096	3973	116	84	353	242	5565	4299
- Direct/Grant	1807	1633	3	2	85	72	1895	1707
- Rate (Overall)	35%	41%	3%	2%	34%	30%	34%	40%

Source: OMS

Offence Profiles: Information on the offence profile of the full parole population has been extracted from the Offender Management System (OMS). Since 1993/94, the proportion of federal full parolees sentenced for a non-scheduled offence has declined from 25% to 15%. Schedule I offenders (violent offences) decreased from 40% to 32%. Within the Schedule I category, sex offenders declined slightly, from 9% to 7%. Schedule II offenders (serious drug offences) grew as a proportion of full parolees, reaching 34% by 1996/97. Offenders incarcerated for murder increased from 14% to 19% of the full parole population, reflecting the fact that lifers are incarcerated for long periods and remain on parole for life, if released.

TABLE 67
OFFENCE PROFILE OF THE FEDERAL FULL PAROLE POPULATION (%)

	1993/94	1994/95	1995/96	1996/97
Non-Scheduled	25	22	15	15
Schedule I	40	35	33	32
Schedule II	21	27	33	34
Murder	14	16	19	19

Source : OMS

Non-scheduled offenders comprised a higher proportion of full paroles in the Atlantic (27% - 30%)than in other regions. Schedule I offenders made-up the largest group in the Prairies (36% - 40%). Schedule II offenders represent the largest group in Ontario (38% - 40%). The Pacific region has the greatest proportion of offenders on full parole and convicted for murder (29% - 31%).

TABLE 68 OFFENCE PROFILE OF THE FULL PAROLE POPULATION BY REGION (%)										
	Atlantic		Quebec		Ontario		Prairies		Pacific	
	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97
Non-Scheduled	30	27	13	12	12	12	21	20	18	18
Schedule I	35	32	34	35	30	31	40	36	27	25
Schedule II	24	26	37	36	40	38	23	27	26	26
Murder	11	15	16	17	18	19	16	17	29	31

Source: OMS

Offence Profile Of APR Cases: The special study of APR examined the distribution of offences for various APR groups using a model which placed offenders in more than one offence category. The APR eligible group illustrated high rates of convictions for non-violent offences, particularly break and enter (40%). Offenders ineligible for APR because of previous admissions also demonstrated high levels of convictions for break and enter and theft (63%). The group of offenders who were ineligible for APR because of offence type or offence type and previous admission demonstrated higher rates of conviction for robbery and assault.

TABLE 69 OFFENCE PROFILE OF APR CASES – ALL OFFENCES (%)				
Type of Offence	APR Eligible[1]	Offence[2]	Ineligible Admission[3]	Both[4]
Murder	0.0	7.2	0.0	5.7
Manslaughter	0.0	6.7	0.0	4.7
Sexual	0.5	17.5	0.4	11.6
Robbery	0.0	35.8	0.0	5.1
Other violent	4.9	32.8	6.8	27.9
Drug	10.2	4.3	9.9	6.0
Fraud	8.8	2.6	10.7	3.4
Break & enter, & theft	40.1	20.9	62.9	27.6
Non-violent	48.7	30.2	27.8	31.8

[1] Offenders released prior to the CCRA who met the criteria specified in the CCRA. [2] Ineligible offences are those listed on Schedule I (violent offences), or Schedule II (drug offences) for which the judge ordered parole eligibility at 50% of the sentence rather than at 33%. [3] Ineligible admissions are not serving their first federal sentence. [4] Ineligible because of their offence and their admission.

Time in Custody: Two measures of the effect of APR on correctional operations are time in custody following interruption of conditional release, and time in custody for the entire sentence. The APR study indicated that after the CCRA, the time spent in custody after their initial release by APR offenders increased by 32 days per offender, on average. In addition, there was an increase in the overall percentage of sentence served in custody for APR releases from 43% to 46%. The increased time in custody occurred because of fewer day parole releases for APR cases, increased returns to custody, and longer periods in custody following a return. Data also indicated increased time in custody for offenders in the comparison groups.

PUBLIC SAFETY - OUTCOMES OF FULL PAROLE

Information on full parole outcomes has been collected from two sources. The first was the information base used by CSC and NPB for performance monitoring. This base yielded information on charges for serious offences, success rates, and post-warrant expiry recidivism for the full parole program. The second source of information was a study of APR carried out for the CCRA review. Information from this study addresses success and failure in the community by offenders who were, and were not eligible for APR.

Charges for Serious Offences: Outcomes in this area involve tracking the number of charges for serious offences against full parolees in eight offence categories. Widespread public interest and extensive media coverage of these charges is also a prerequisite for inclusion in the assessment.

TABLE 70 CHARGES FOR SERIOUS OFFENCES - FULL PAROLE							
Offence	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Murder	5	13	5	6	5	6	3
Attempt Murder	2	3	2	4	3	4	3
Sex Assault	13	14	12	21	17	9	9
Major Assault	6	14	8	8	4	4	3
Host. Taking	1	2	0	1	1	0	0
Unlaw. confinement	6	5	5	4	0	2	0
Robbery	17	13	22	22	23	9	15
Other Sensational[1]	13	8	1	13	16	9	17
Total	63	72	55	79	69	43	50

[1] Includes major drug seizures, arson etc. Source: EIS

Charges for serious offences fluctuated from 1990/91 to 1993/94 and then generally declined for offences such as murder, sexual assault, assault, and robbery. Full parolees make-up 50% to 60% of offenders in the community, and they must remain under supervision for the longest periods (up to two-thirds of sentence or 16 months on a 24 month sentence). In comparison, day parolees comprise 12% to 20% of the conditional release population and generally remain under supervision for the shortest periods. In this context, rates of charge per 1000 offenders may provide a more meaningful indicator than number of charges.

TABLE 71 RATES OF CHARGE PER 1000 OFFENDERS UNDER SUPERVISION							
	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Day Parole	38	37	38	43	48	13	12
Full Parole	15	16	12	15	14	9	12

Source: EIS

Rates of charge for serious offences per 1000 full parolees ranged from 9 to 16, with the lowest rates in recent years. Prior to 1995/96, full parolees were 2 to 3 times less likely than day parolees to be charged with a serious offence. Significant reductions in charges in 1995/96 and 1996/97 brought rates for day parole in line with full parole rates.

Success Rates: These rates have been defined to include:

- completions - releases in which the offender remains under supervision in the community to warrant expiry.
- revocations for violation of release conditions (often referred to as technical violations) - interventions to reduce risk to the community, these revocations are categorized as elements of success for the full parole program.

Failure (recidivism) has been defined as any full parole that results in revocation for a new offence.

TABLE 72 REGULAR FEDERAL FULL PAROLE SUCCESS										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completions	2,029	70	2,078	62	1,849	69	1,401	73	1,054	72
Tech. Revoc/other	483	17	812	24	595	22	372	19	317	20
Total Success	**2,512**	**87**	**2,890**	**86**	**2,444**	**91**	**1,773**	**92**	**1,371**	**92**
RECIDIVISM (Revocations with offence)										
Non-violent	309	11	377	11	176	7	109	4	89	6
Violent	69	2	90	3	62	2	42	2	29	2
Total Recidivism	**378**	**13**	**467**	**14**	**238**	**9**	**151**	**6**	**118**	**8**
Total	**2,890**	**100**	**3,357**	**100**	**2,682**	**100**	**1,924**	**100**	**1,489**	**100**

* "Other" completions include supervision inoperative, supervision interrupted, suspension etc. Violent offences: Schedule I; first and second degree murder. Source: OMS.

Success rates for regular full parole have ranged from 86% to 92%, and have included completion rates of 62% to 73%, and rates of revocation for technical violation from 17% to 24%. Recidivism rates have ranged from 6% to 14% with lower rates in recent years. The rate for violent reoffending has been steady at 2%. Revocations for non-violent offences have dropped from 309 to 89 (by 72%), while revocations for violent offences dropped from 69 to 29 (by 58%).

TABLE 73 ACCELERATED PAROLE REVIEW SUCCESS										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completions	0	0	7	3	195	33	442	53	514	56
Tech. Revoc/other	7	70	129	60	259	44	258	31	262	29
Total Success	**7**	**70**	**136**	**63**	**454**	**77**	**700**	**84**	**776**	**85**
RECIDIVISM (Revocations with offence)										
Non-violent	2	20	71	33	112	20	129	15	125	14
Violent	1	10	9	4	16	3	12	1	13	1
Total Recidivism	**3**	**30**	**80**	**37**	**128**	**23**	**141**	**16**	**138**	**15**
Total	**10**	**100**	**216**	**100**	**582**	**100**	**841**	**100**	**914**	**100**

* "Other" completions include supervision inoperative, supervision interrupted, suspension etc. Violent offences: Schedule I; first and second degree murder. Source: OMS.

Success rates for APR have improved in recent years (to 85%), APR completion rates (56%) remain lower than regular full parole, while rates of technical violation remain higher (29%). Recidivism rates have also been higher, but have been improving (15%). As expected, recidivism for APR cases has primarily involved non-violent offences, with violent recidivism rate at 1% in the past two years.

APR Study: The review of APR examined the outcomes of APR from different perspectives than the approach used for calculation of success rates. These alternate approaches, however, yielded consistent trend information for APR.

TABLE 72 REGULAR FEDERAL FULL PAROLE SUCCESS										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completions	2,029	70	2,078	62	1,849	69	1,401	73	1,054	72
Tech. Revoc/other	483	17	812	24	595	22	372	19	317	20
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Non-violent	309	11	377	11	176	7	109	4	89	6
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Total Recidivism	**378**	**13**	**467**	**14**	**238**	**9**	**151**	**6**	**118**	**8**
Total	**2,890**	**100**	**3,357**	**100**	**2,682**	**100**	**1,924**	**100**	**1,489**	**100**

* "Other" completions include supervision inoperative, supervision interrupted, suspension etc. Violent offences: Schedule I; first and second degree murder. Source: OMS.

Success rates for regular full parole have ranged from 86% to 92%, and have included completion rates of 62% to 73%, and rates of revocation for technical violation from 17% to 24%. Recidivism rates have ranged from 6% to 14% with lower rates in recent years. The rate for violent reoffending has been steady at 2%. Revocations for non-violent offences have dropped from 309 to 89 (by 72%), while revocations for violent offences dropped from 69 to 29 (by 58%).

TABLE 73 ACCELERATED PAROLE REVIEW SUCCESS										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completions	0	0	7	3	195	33	442	53	514	56
Tech. Revoc/other	7	70	129	60	259	44	258	31	262	29
Total Success	**7**	**70**	**136**	**63**	**454**	**77**	**700**	**84**	**776**	**85**
RECIDIVISM (Revocations with offence)										
Non-violent	2	20	71	33	112	20	129	15	125	14
Violent	1	10	9	4	16	3	12	1	13	1
Total Recidivism	**3**	**30**	**80**	**37**	**128**	**23**	**141**	**16**	**138**	**15**
Total	**10**	**100**	**216**	**100**	**582**	**100**	**841**	**100**	**914**	**100**

* "Other" completions include supervision inoperative, supervision interrupted, suspension etc. Violent offences: Schedule I; first and second degree murder. Source: OMS.

Success rates for APR have improved in recent years (to 85%), APR completion rates (56%) remain lower than regular full parole, while rates of technical violation remain higher (29%). Recidivism rates have also been higher, but have been improving (15%). As expected, recidivism for APR cases has primarily involved non-violent offences, with violent recidivism rate at 1% in the past two years.

APR Study: The review of APR examined the outcomes of APR from different perspectives than the approach used for calculation of success rates. These alternate approaches, however, yielded consistent trend information for APR.

Findings: The APR study examined community performance by groups with similar characteristics before and after the CCRA. Based on this review, APR eligible offenders released after the CCRA were more likely to be readmitted, have their conditional release revoked for technical violations, and commit new offences than similar offenders released prior to the CCRA. For example, 23% of pre-CCRA APR-eligible offenders were readmitted to prison within two years of their release, and 39% were readmitted after the CCRA. The percentage of offenders with technical violations almost doubled from 15% to 28%, while the percentage of offenders who were readmitted with a new offence increased from 11% to 14%. The percentage of offenders who committed new violent offences remained stable at 2%.

Rates of readmission (technical violations, new offences) increased for the comparison groups from the pre- to post CCRA period, but to a lesser degree. Relative to the comparison groups, the APR group had the largest increases in technical violations of conditional release.

TABLE 74
OUTCOMES OF RELEASE WITHIN TWO YEARS OF RELEASE (%)

	APR Eligible	Ineligible Offence[1]	Ineligible Admission[2]	Both[3]
Pre-CCRA				
Readmission	23	29	42	43
Technical Violation	15	21	30	30
New Offence	11	11	17	18
New Violent Offence	2	4	2	4
Post-CCRA				
Readmission	39	33	50	45
Technical Violation	28	25	36	33
New Offence	14	10	20	14
New Violent Offence	2	3	5	4

[1] Ineligible offences are those listed on Schedule I (violent offences) and Schedule II offences (drug offences) for which the judge ordered parole eligibility at 50% of the sentence rather than at 33%. [2] Ineligible admissions are not serving their first federal sentence. [3] Ineligible because of their offence and their admission.

The APR study and success rate calculations applied different methodologies to examine outcomes of release for APR cases, but findings were very similar. The APR study considered a group of offenders who were eligible for APR in 1993/94, and through a follow-up identified a recidivism rate of 14% including violent recidivism of 2%. In comparision, success rate calculations examined the outcomes of release for offenders who were in the community on full parole following APR and identified a recidivism rate of 15% or 16% in recent years including a violent recidivism rate of 1%.

Offenders Not Directed to Full Parole: Only 19% of offenders not directed for release on full parole were subsequently released on full parole. The remainder (81%) were released at their SR date, some with a preceding day parole. Offenders directed for release served 30% of their sentence prior to release, but those not directed served an average of 53% prior to release.

While 41% of the offenders directed for release by the NPB were readmitted within two years of their release, 66% of offenders not directed for release were readmitted. Similarly, 31% of directed offenders committed a new offence within two years of their release, but 44% of the not directed offenders committed a new offence. In terms of violent reoffending, the rate for the not directed group was almost triple that of the directed group (11% vs. 4%).

TABLE 75 PERCENTAGE OF READMISSIONS FOR OFFENDERS DIRECTED AND NOT DIRECTED TO FULL PAROLE – TWO YEAR FOLLOW-UP		
	APR Directed	APR Not Directed
Readmitted	41	66
Technical Violation	14	26
New Offence	31	44
New Violent Offence	4	11

Source: OMS

Full Parole Post-Warrant Expiry Recidivism: Factors which influence the success of offenders in the community after they have reached warrant expiry are diverse, and beyond the control of CSC and NPB. Nevertheless, information on post-WED recidivism provides insight regarding long-term reintegration. Table 76 presents information as of September 30, 1997, concerning federal readmissions for offenders released annually on full parole from 1986/87 to 1996/97. In this table, readmissions before WED include returns to institutions for technical violations and for new offences. Post-WED recidivism involves return to penitentiary for new offences. To determine the post warrant expiry recidivism rate, admissions after warrant expiry were calculated as a percentage of offenders who reached warrant expiry each year.

TABLE 76 POST-WARRANT EXPIRY FEDERAL RECIDIVISM – FULL PAROLE										
Yr. of Release	Releases		Readmission Before WED		Under Supervision		Reached WED		Post WED Readmissions	
	#	%	#	%	#	%	#	%	#	%
1986/87	2,008	100	537	27	54	3	1,417	71	174	13
1987/88	2,280	100	646	28	67	3	1,567	69	182	12
1988/89	1,862	100	521	28	56	3	1,285	69	113	9
1989/90	1,933	100	505	26	88	5	1,340	69	140	10
1990/91	2,084	100	595	29	111	5	1,378	66	103	7
1991/92	2,259	100	652	29	167	7	1,440	64	109	8
1992/93	2,577	100	842	33	243	9	1,492	58	91	6
1993/94	2,599	100	957	38	303	12	1,321	51	57	4
1994/95	2,228	100	746	33	502	23	980	44	14	1
1995/96	1,998	100	546	27	1,111	56	341	17	4	1
1996/97	1,732	100	189	11	1,520	88	23	1	0	0

Source: EIS Includes outcomes of release for all types of offenders (e.g. APR cases, lifers).

Rates of readmission before warrant expiry range from 26% to 29% for offenders released from 1986/87 to 1991/92. In the period 1992/93 to 1994/95, readmission rates before warrant expiry show a higher range from 33% to 38%, reflecting, in part, the increased rates of readmission for APR cases. This trend is expected to continue in 1995/96 and 1996/97, given current data for these fiscal years.

The proportion of offenders still under supervision is steady at 3% for full parolees released from 1986/87 to 1988/89, demonstrating the impact of offenders with life sentences, for the most part. The proportion of offenders still under supervision climbs gradually, reaching 23% by 1994/95 and then more than doubles to 56% for releases in 1995/96, and rises sharply again to 88% for offenders released in 1996/97.

Post-warrant expiry recidivism rates range from 7% to 13% for the period 1986/87 to 1991/92, and then decline for offenders who have spent shorter periods in the community after warrant expiry. For 1994/95 and 1995/96, the rates of recidivism are about 1%. Overall, post-WED recidivism indicates that about 9 of every 10 offenders who reached warrant expiry on full parole were not readmitted to a federal institution.

5.2.3.3 STATUTORY RELEASE AND DETENTION

The concept of early release from penitentiary based on remission of sentence was introduced in Canada in the 1860s. In 1970, the *Parole Act* was amended to require offenders released on remission of sentence to be supervised in the community. This type of release became known as mandatory supervision. The CCRA abolished remission of sentence and mandatory supervision and substituted statutory release (SR).

CCRA provisions respecting SR require federal offenders to be released to the community under supervision by CSC, at the two-thirds point in their sentence. This approach reflects the principle that gradual release of offenders contributes to public safety. Offenders once released, are assisted in remaining crime-free through effective strategies for risk management. In January 1996, Bill C-45 amended the CCRA to include provisions which support risk management through the use of residency as a condition for SR (i.e. similar conditions to a day parole).

Throughout the 1970s and 1980s, concerns were voiced about the automatic nature of release of offenders on MS and the imminent danger that some of these offenders brought to the community. In 1986, Bill C-67 amended the *Parole Act* to provide for the detention of an offender to expiry of sentence based on a three-step test:

- determination that the offender is serving a sentence for an offence on the newly created schedule to the *Parole Act* (Schedule I, violent offences);
- determination that the offence caused death or serious harm; and/or
- establishment of reasonable grounds to believe that the offender is likely to commit, before the expiry of sentence, an offence causing death or serious harm.

Schedule I was developed primarily to focus on those crimes of particular concern to the public, to provide a mechanism to screen the large offender population, and to ensure that the detention legislation (a new restriction on what was then a remission-based entitlement to be released) was focused in a way that would conform with the *Charter of Rights and Freedoms*.

The intent of the legislation was to contribute to public safety by enabling the Board to detain to expiry of sentence, those offenders assessed as likely to commit an offence involving death or serious harm before warrant expiry.

With the abolition of remission of sentence and mandatory supervision, and replacement with statutory release at the two thirds point of the sentence, detention became a mechanism for manging offenders who were assessed as posing imminent danger, and who were approaching automatic release. The CCRA also expanded Schedule I to include additional sexual offences, and added Schedule II (serious drug offences) to the Act as grounds for referral for detention.

SUMMARY OF FINDINGS

SR accounts for a large proportion of annual releases from federal institutions. In 1996/97, for example, SR releases represented about 50% of all releases. In practice, SR frequently involves offenders considered too great a risk for parole (45% to 50%), or offenders who, after release on parole, were revoked and returned to the institution (50% to 55%). In this context, effective management of offenders on SR is critical for public safety. Since the CCRA the annual SR population has increased from about 2300 to 3000.

Offenders on SR are less likely than offenders on parole to complete their period of supervision in the community, and more likely to be revoked for a new offence. The rates of return to institution for SR are almost double the rates for regular full parole, but are similar to rates for APR cases. In recent years, there has been a trend for SR offenders to be released closer to warrant expiry. In fact, 40% of offenders who complete their supervision on SR have been released within 6 months of WED.

Offenders on SR present a significant degree of risk based on factors such as offence profile; however, success rates for SR have been consistently over 80%. In 1996/97, the success rate was 87% and the recidivism rate was 13%, including 3% for violent recidivism. Comparisons by release type, however, indicate that offenders on SR have accounted for over 60% of annual totals of new offences (and violent offences) committed by offenders under supervision in the community in recent years. These offenders have also accounted for 50% of releases and 33% of offenders in the community.

SR with residency has become a frequently used provision, involving almost 900 cases in 1996/97. It appears that SR with residency has contributed to increases in SR releases. Early information suggests relatively high levels of revocation with and without offence for this group.

Detention referrals and the numbers of detained offenders increased steadily from 1986/87 to 1995/96 based on diverse factors; however, referrals and detained offenders declined in 1996/97, and appear headed for another significant decline in 1997/98. The use of provisions for SR with residency appears to be a key factor in these declines.

Statutory release and detention present an important challenge in terms of public safety and reintegration. SR offenders are generally a high risk group, with significant potential for violent recidivism. Nevertheless, most offenders in this group can and do succeed in the community each year. It is from this group of generally high risk, violent offenders that CSC and NPB must select those cases which should be detained and those which should lead to SR. Enhanced risk assessment tools and risk management strategies are essential for effective management of both SR and detention.

TRENDS IN SR

SR Population: Prior to the CCRA, the SR population ranged from 2300 to 2500, with the highest levels in 1989/90 and 1990/91. In 1992/93, the year of the CCRA, and the next 2 years, the SR population ranged from 2200 to 2400, but in 1995/96 the SR population rose sharply to over 2700, 15% higher than 1994/95. This trend continued in 1996/97 as the SR population rose to 2936, 8% higher than 1995/96. In 1996/97, the SR population accounted for about 33% of the conditional release population.

TABLE 77
SR POPULATION

	ATLANTIC	QUEBEC	ONTARIO	PRAIRIES	PACIFIC	CANADA
1986/87	251	708	674	480	386	2499
1987/88	205	608	687	483	413	2396
1988/89	185	681	671	465	371	2373
1989/90	220	686	713	536	381	2536
1990/91	204	723	671	535	387	2520
1991/92	206	703	649	543	394	2495
1992/93	163	752	625	410	391	2341
1993/94	191	650	633	428	332	2237
1994/95	205	702	691	440	326	2365
1995/96	280	719	678	608	382	2727
1996/97	282	862	744	647	401	2936

Source: EIS Includes offenders released on SR who are revoked UAL, temporarily detained, or released and deported.

Offence Profile: The offence profile of the SR population has remained stable in the past four years. About 2 in 10 offenders on SR have been sentenced for a non-scheduled offence. The remainder has been sentenced for a scheduled offence, including about 1 in 10 (6-8%) for a schedule II offence, and 7 in 10 (72% - 74%) for a schedule I offence. Within the SR group, about 2 in 10 offenders are sex offenders.

TABLE 78 OFFENCE PROFILE OF THE SR POPULATION (%)				
	1993/94	1994/95	1995/96	1996/97
Non-Scheduled	22	20	19	20
Schedule I	72	74	73	73
Schedule II	6	7	8	7
Total (I+II)	**78**	**81**	**81**	**80**

Source: EIS

There are differences in the offence profile of the SR population across regions. Non-scheduled offenders comprise 28% of the SR population in the Atlantic, but only 18% to 20% in other regions. Schedule I offenders vary from 67% (Atlantic) to 75% (Prairies). Sex offenders account for 28% of SR offenders in the Atlantic, and 23% in the Prairies, compared to 19% in the Pacific, 15% in Ontario and 14% in Quebec. Schedule II offenders represent small proportions of the SR population in all regions, varying from 4% (Pacific) to 9% (Ontario, Quebec).

TABLE 79 OFFENCE PROFILE OF THE SR POPULATION BY REGION										
	ATLANTIC		QUEBEC		ONTARIO		PRAIRIES		PACIFIC	
	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97
Non-Scheduled	29	28	18	19	19	18	18	18	20	23
Schedule I	66	67	71	72	72	73	75	75	75	73
Schedule II	5	5	11	9	9	9	7	7	5	4
Total (I+II)	**71**	**72**	**82**	**81**	**81**	**82**	**82**	**82**	**80**	**77**

Source: EIS

Offence profiles differ by type of conditional release. Offenders incarcerated for a violent offence comprise larger proportions of the SR population (73%) and the day parole population (60%) than full parole (32%). Full parolees, however, include a larger proportion of schedule II (34%) than day parole (16%) and SR (7%). Offenders with non-scheduled offences comprise a larger proportion of the SR population (20%) than other release types, perhaps reflecting the impact of APR offenders who are revoked from parole and remain incarcerated to SR date and/or offenders eligible for APR and who are not directed to full parole.

TABLE 80 COMPARISON OF OFFENCE PROFILES BY RELEASE TYPE (%)				
	OFFENCE PROFILES			
	Non-sched.	Sched. I	Sched. II	Murder
DP	12	60	16	12
FP	15	32	34	19
SR	20	73	7	-

Source: EIS

STATUTORY RELEASE AND REINTEGRATION

Prison crowding and management of the offender population are key issues. High rates of incarceration in Canada, combined with pressures for fiscal restraint create complex challenges. In this context, the use of SR for the release of offenders at the two-thirds point in their sentence (except those who are detained) is an important measure for reducing the number of offenders in federal institutions. It is also an important measure for providing an opportunity for these offenders to be released under supervision with assistance and control, as opposed to unsupervised release at the end of the sentence.

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	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97	95/96	96/97
Non-Scheduled	29	28	18	19	19	18	18	18	20	23
Schedule I	66	67	71	72	72	73	75	75	75	73
Schedule II	5	5	11	9	9	9	7	7	5	4
Total (I+II)	**71**	**72**	**82**	**81**	**81**	**82**	**82**	**82**	**80**	**77**

Source: EIS

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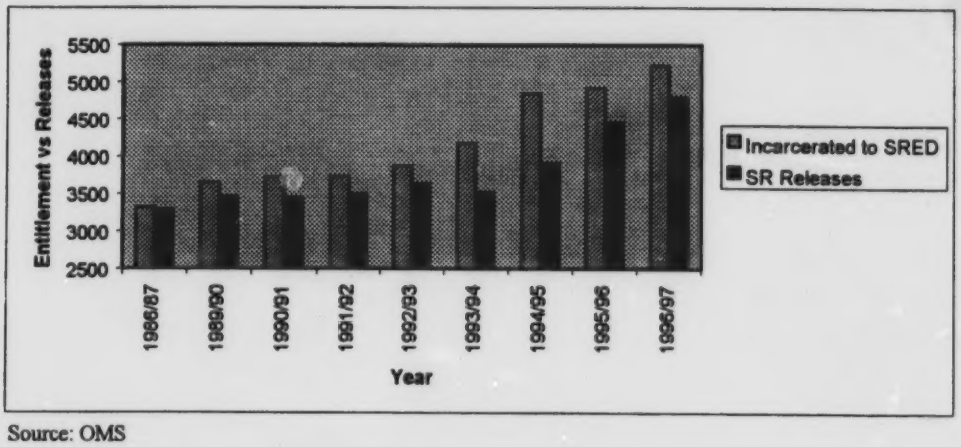
TABLE 81 INCARCARATED POPULATIONS AND STATUTORY RELEASE					
	Incarcerated		Reaching SR Date[1]		Reaching SR Date
	#	% change	#	% change	% of incarcerated
1986/87	11,129	-	3,316	-	30
1989/90	12,035	+ 8	3,645	+ 10	30
1990/91	11,961	- .6	3,711	+ 2	31
1991/92	12,719	+ 7	3,729	+ .5	29
1992/93	12,877	+ 1	3,872	+ 4	30
1993/94	13,864	+ 8	4,183	+ 8	30
1994/95	14,539	+ 4	4,847	+ 16	33
1995/96	14,459	+ .1	4,920	+ 2	34
1996/97	14,420	- .3	5,225	+ 6	36

Source: EIS, OMS. [1] May include offenders who have been revoked on SR and reached release date again.

Over the past decade, the federally incarcerated population has grown steadily. So too have offenders remaining incarcerated to SR date. The incarcerated population grew by about 30% from 1986/87 to 1996/97, while the number of offenders remaining incarcerated to SR grew by 58%, with the sharpest growth occurring in the years following the CCRA. As a result, offenders reaching SR date annually increased to 36% of the incarcerated population, after remaining in the 30% range prior to the CCRA.

FIGURE 15
OFFENDERS INCARCERATED TO SR DATE AND SR RELEASES



Source: OMS

During the review period, the number of offenders remaining incarcerated to SR, and the number of SR releases grew by 58% and 46% respectively. Each year, however, there were fewer releases on SR than offenders reaching their SR date. The difference between releases and those scheduled to be released ranged from 33 (1%) in 1986/87 to 932 (19%) in 1994/95. The largest differences in SR releases and offenders reaching SR date occurred after the introduction of the CCRA. Increased use of detention was identified as one factor contributing to this trend along with reoffending and revocation close to warrant expiry. Another factor involved offenders who reached SR date but chose to remain incarcerated. These offenders were not numerous (e.g. 45 in 1996/97).

TABLE 82 INCARCERATED POPULATIONS AND RELEASES[1] ON SR					
YEAR	INCARCERATED	INCARCERATED TO SR		RELEASES	
		#	% of Incarc.	#	% of Incarc.
1986/87	11,129	3,316	30	3,283	29
1989/90	12,035	3,645	30	3,457	29
1990/91	11,961	3,711	31	3,445	29
1991/92	12,719	3,729	29	3,491	27
1992/93	12,877	3,872	30	3,639	28
1993/94	13,864	4,183	30	3,518	25
1994/95	14,539	4,847	33	3,915	27
1995/96	14,459	4,920	34	4,459	31
1996/97	14,420	5,225	36	4,801	33

Source: EIS, OMS. [1] May include offenders who have been released on SR, revoked and released again.

While annual releases on SR have been lower than the number of offenders entitled to SR, statutory release has still accounted for the movement of significant portions (25% to 33%) of the incarcerated population to the community each year. In fact, SR has accounted for a large and growing proportion of annual releases from institutions.

TABLE 83 ANNUAL RELEASES FROM INSTITUTIONS										
	DAY PAROLE[1]		FULL PAROLE		SR.		WED		TOTAL	
	#	%	#	%	#	%	#	%	#	%
1990/91	3,887	38	2,084	21	3,444	34	681	7	10,096	100
1991/92	4,285	40	2,259	21	3,478	32	746	7	10,768	100
1992/93	4,848	42	2,577	22	3,639	31	569	5	11,633	100
1993/94	4,406	40	2,599	24	3,518	33	282	3	10,805	100
1994/95	3,970	38	2,228	21	3,915	37	370	4	10,483	100
1995/96	3,303	32	1,998	20	4,459	44	418	4	10,178	100
1996/97	2,693	28	1,732	18	4,801	50	445	4	9,671	100

[1] Accurate information on day parole releases is not available prior to 1993/94. Source: EIS, OMS.

Since the CCRA, day parole and full parole releases declined in number, and as proportions of total conditional releases. Day parole releases have declined to 2,693 (28% of releases) after peaking at 4,848 (42%) in 1992/93. Full parole releases reached 2,599 in 1993/94, but declined in subsequent years to 1732 (20% of releases). In contrast, releases on SR have grown steadily to a total of 4,801, or 50% of all releases in 1996/97. Warrant expiry releases (e.g. offenders detained) have ranged from 3% to 7% of all releases.

SR occupies an important position in the movement of offenders to the community; however, follow-up studies also demonstrate that offenders released on SR are twice as likely to be readmitted to an institution (for violation of condition or new offences) prior to warrant expiry than offenders on regular full parole. Rates

of readmission for SR were similar to rates for APR cases in terms of both technical violations and new offences..

In January 1996, the CCRA was amended (Bill C-45) to permit the use of residency with SR. The provisions appear to have influenced the offender population. For example, in 1996/97 the first full year of implementation of these new provisions, SR with residency was used for 845 cases or 18% of all releases on SR (4801), and SR releases increased by 14%, a larger proportion than in any of the 8 previous fiscal years.

TABLE 84
STATUTORY RELEASE WITH RESIDENCY

	Releases		Supervision complete		Under Supervision		Deceased		Deported		Suspended		Revoked	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1995/96	53	6	15	2	5	1	1	-	-	-	8	1	24	3
1996/97	845	94	33	3	370	41	-	-	8	1	106	12	328	36
Total	**898**	**100**	**48**	**5**	**375**	**42**	**1**	**-**	**8**	**1**	**114**	**13**	**352**	**39**

Source: OMS.

Residency for SR was applied in 898 cases over the 14 month period from January 24, 1996 to March 31, 1997. By March 31, 1997, 48 cases (5%) had completed their period of supervision, while 375 cases (42%) remained under supervision. Of the remaining cases, 114 (13%) had been suspended, and 352 (39%) had been revoked. For these revocations, 279 (31%) involved a new offence, and 73 involved technical violations.

PUBLIC SAFETY - OUTCOMES OF SR

Factors such as the offence profile of the conditional release population suggest that offenders on SR are a higher risk in the community than offenders on day or full parole. Recidivism information supports this perception. Information on recidivism has been extracted from the data base used by NPB for performance monitoring. While comparison of recidivism data for parole and MS/SR indicates that levels of risk are higher for SR than for parole, it should be noted that the majority of offenders released on SR each year succeed. A relatively smaller proportion commits new offences. SR contributes in this way to public protection. It provides supervised transition from the institution to the community for a large number of offenders who would otherwise be released at expiry of sentence.

Charges For Serious Offences: From 1990/91 to 1996/97, charges for serious offences involving offenders on SR fluctuated. Charges were generally higher in the post-CCRA period, although these trends cannot be attributed to the Act. Charges for murder and attempt murder have declined since the CCRA, while charges for robbery increased considerably. Charges in other categories remained relatively stable.

TABLE 85
CHARGES FOR SERIOUS OFFENCES

OFFENCE	90/91	91/92	92/93	93/94	94/95	95/96	96/97
Murder	11	13	12	6	7	6	6
Attempt Murder	15	13	11	2	7	11	3
Sexual Assault	25	22	19	15	27	12	22
Major Assault	18	17	18	17	17	16	24
Hostage Taking	1	4	0	2	3	3	1
Unlawful Confinement	3	2	4	1	1	2	3
Robbery	33	25	33	38	49	54	68
Other Sensational[1]	4	3	1	12	12	3	6
Total	**110**	**99**	**98**	**93**	**123**	**107**	**133**

[1] Includes major drug seizures, arson etc. Source: EIS

About 49% of charges in the period 1990/91 to 1996/97 involved offenders on SR. Offenders on day and full parole accounted for 23% and 28% of charges respectively. In the past 3 years, offenders on SR have actually

accounted for an even larger proportion (60%) of charges for serious offences. During the review period, the SR population increased in number, from about 2500 to about 2900, and increased as a proportion of the conditional release population, from 27% to 33%. In comparison, during this period the day parole population decreased by 44%, as annual charges for serious offences decreased by 80%. The full parole population fluctuated during the review period as did the number of serious charges involving full parolees. Comparison of information for 1993/94, the year when the full parole population peaked, and 1996/97, indicates that the population level declined by 15% while charges declined by 37%.

TABLE 86
CHARGES FOR SERIOUS OFFENCES BY RELEASE TYPE

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Day parole	62	66	73	68	64	15	12
Full parole	63	72	55	79	69	43	50
Stat. Release	110	99	98	93	123	107	133
Total	235	237	226	240	256	165	195

Source: EIS

Numbers of charges for serious offences present only a partial picture, given the differences in numbers of offenders in the community by release type, and the different lengths of time these offenders must spend under supervision. Rates of charge per 1000 offenders in the community by release type, therefore, provide a better base for comparison.

TABLE 87
RATES OF CHARGE FOR SERIOUS OFFENCE PER 1000 OFFENDERS UNDER SUPERVISION(1)

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Day parole	38	37	38	43	48	13	12
Full parole	15	16	12	15	14	9	12
Stat. Release	50	45	46	46	62	48	56

Source: EIS (1) Excludes offenders who were released on some form of conditional release and are UAL, temporarily detained or deported.

Annual rates of charge per 1000 offenders on SR ranged from 45 to 62, while rates per 1000 full parolees ranged from 9 to 16. That is, offenders on SR were 3 to 5 times more likely to be charged with a serious offence than offenders on full parole. Prior to 1995/96, rates of charge per 1000 day parolees (37 to 48) approximated rates for SR, with offenders on SR being slightly more likely (1.1 to 1.3 times) to be charged with a serious offence. For 1995/96 and 1996/97, however, the annual rates of charge per 1000 day parolees dropped to 13, then 12, compared to the rates of 48 and 56 (4 and 5 times greater) for SR.

Success Rates: Information on charges for serious offences compares SR with day and full parole, highlighting that the process of selection for parole, based on case preparation by CSC and decision-making by NPB, is effective in identifying offenders with greatest potential for success in the community. This information must, however, be considered in context. The SR group, while presenting a higher degree of risk than day or full parolees, still yields significant levels of success each year. In fact, from 1992/93 to 1996/97, success rates for SR increased from 81% to 87%. During this period, the rate of completion for SR ranged from 50% to 58% while the rate of revocation for technical violation ranged from 28% to 31%. The recidivism rate for SR decreased from 18% to 13%. Most reoffending involved non-violent offences, although violent reoffending represents a slightly higher proportion for SR (3% to 5%) than for other release types.

of readmission for SR were similar to rates for APR cases in terms of both technical violations and new offences..

In January 1996, the CCRA was amended (Bill C-45) to permit the use of residency with SR. The provisions appear to have influenced the offender population. For example, in 1996/97 the first full year of implementation of these new provisions, SR with residency was used for 845 cases or 18% of all releases on SR (4801), and SR releases increased by 14%, a larger proportion than in any of the 8 previous fiscal years.

TABLE 84
STATUTORY RELEASE WITH RESIDENCY

	Releases		Supervision complete		Under Supervision		Deceased		Deported		Suspended		Revoked	
	#	%	#	%	#	%	#	%	#	%	#	%	#	%
1995/96	53	6	15	2	5	1	1	-	-	-	8	1	24	3
1996/97	845	94	33	3	370	41	-	-	8	1	106	12	328	36
Total	**898**	**100**	**48**	**5**	**375**	**42**	**1**	**-**	**8**	**1**	**114**	**13**	**352**	**39**

Source: OMS.

Residency for SR was applied in 898 cases over the 14 month period from January 24, 1996 to March 31, 1997. By March 31, 1997, 48 cases (5%) had completed their period of supervision, while 375 cases (42%) remained under supervision. Of the remaining cases, 114 (13%) had been suspended, and 352 (39%) had been revoked. For these revocations, 279 (31%) involved a new offence, and 73 involved technical violations.

PUBLIC SAFETY - OUTCOMES OF SR

Factors such as the offence profile of the conditional release population suggest that offenders on SR are a higher risk in the community than offenders on day or full parole. Recidivism information supports this perception. Information on recidivism has been extracted from the data base used by NPB for performance monitoring. While comparison of recidivism data for parole and MS/SR indicates that levels of risk are higher for SR than for parole, it should be noted that the majority of offenders released on SR each year succeed. A relatively smaller proportion commits new offences. SR contributes in this way to public protection. It provides supervised transition from the institution to the community for a large number of offenders who would otherwise be released at expiry of sentence.

Charges For Serious Offences: From 1990/91 to 1996/97, charges for serious offences involving offenders on SR fluctuated. Charges were generally higher in the post-CCRA period, although these trends cannot be attributed to the Act. Charges for murder and attempt murder have declined since the CCRA, while charges for robbery increased considerably. Charges in other categories remained relatively stable.

TABLE 85
CHARGES FOR SERIOUS OFFENCES

OFFENCE	90/91	91/92	92/93	93/94	94/95	95/96	96/97
Murder	11	13	12	6	7	6	6
Attempt Murder	15	13	11	2	7	11	3
Sexual Assault	25	22	19	15	27	12	22
Major Assault	18	17	18	17	17	16	24
Hostage Taking	1	4	0	2	3	3	1
Unlawful Confinement	3	2	4	1	1	2	3
Robbery	33	25	33	38	49	54	68
Other Sensational[1]	4	3	1	12	12	3	6
Total	**110**	**99**	**98**	**93**	**123**	**107**	**133**

[1] Includes major drug seizures, arson etc. Source: EIS

About 49% of charges in the period 1990/91 to 1996/97 involved offenders on SR. Offenders on day and full parole accounted for 23% and 28% of charges respectively. In the past 3 years, offenders on SR have actually

accounted for an even larger proportion (60%) of charges for serious offences. During the review period, the SR population increased in number, from about 2500 to about 2900, and increased as a proportion of the conditional release population, from 27% to 33%. In comparison, during this period the day parole population decreased by 44%, as annual charges for serious offences decreased by 80%. The full parole population fluctuated during the review period as did the number of serious charges involving full parolees. Comparison of information for 1993/94, the year when the full parole population peaked, and 1996/97, indicates that the population level declined by 15% while charges declined by 37%.

TABLE 86
CHARGES FOR SERIOUS OFFENCES BY RELEASE TYPE

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Day parole	62	66	73	68	64	15	12
Full parole	63	72	55	79	69	43	50
Stat. Release	110	99	98	93	123	107	133
Total	235	237	226	240	256	165	195

Source: EIS

Numbers of charges for serious offences present only a partial picture, given the differences in numbers of offenders in the community by release type, and the different lengths of time these offenders must spend under supervision. Rates of charge per 1000 offenders in the community by release type, therefore, provide a better base for comparison.

TABLE 87
RATES OF CHARGE FOR SERIOUS OFFENCE
PER 1000 OFFENDERS UNDER SUPERVISION(1)

	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Day parole	38	37	38	43	48	13	12
Full parole	15	16	12	15	14	9	12
Stat. Release	50	45	46	46	62	48	56

Source: EIS (1) Excludes offenders who were released on some form of conditional release and are UAL, temporarily detained or deported.

Annual rates of charge per 1000 offenders on SR ranged from 45 to 62, while rates per 1000 full parolees ranged from 9 to 16. That is, offenders on SR were 3 to 5 times more likely to be charged with a serious offence than offenders on full parole. Prior to 1995/96, rates of charge per 1000 day parolees (37 to 48) approximated rates for SR, with offenders on SR being slightly more likely (1.1 to 1.3 times) to be charged with a serious offence. For 1995/96 and 1996/97, however, the annual rates of charge per 1000 day parolees dropped to 13, then 12, compared to the rates of 48 and 56 (4 and 5 times greater) for SR.

Success Rates: Information on charges for serious offences compares SR with day and full parole, highlighting that the process of selection for parole, based on case preparation by CSC and decision-making by NPB, is effective in identifying offenders with greatest potential for success in the community. This information must, however, be considered in context. The SR group, while presenting a higher degree of risk than day or full parolees, still yields significant levels of success each year. In fact, from 1992/93 to 1996/97, success rates for SR increased from 81% to 87%. During this period, the rate of completion for SR ranged from 50% to 58% while the rate of revocation for technical violation ranged from 28% to 31%. The recidivism rate for SR decreased from 18% to 13%. Most reoffending involved non-violent offences, although violent reoffending represents a slightly higher proportion for SR (3% to 5%) than for other release types.

TABLE 88 STATUTORY RELEASE SUCCESS RATE										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
Completions	1,977	54	2,250	50	2,486	58	2639	58	2,873	56
Technical Revoc/Other**	1,030	28	1,424	31	1,331	31	1,389	30	1,610	31
Total Success	**3,028**	**82**	**3,674**	**81**	**3,817**	**89**	**4,028**	**88**	**4,483**	**87**
RECIDIVISM (Revocation with offence)										
Non-violent offences	480	13	666	15	357	8	426	10	513	10
Violent offences	181	5	176	4	140	3	150	2	109	3
Total Recidivism	**661**	**18**	**842**	**19**	**497**	**11**	**576**	**12**	**622**	**13**
Total	**3,653**	**100**	**4,576**	**100**	**4,314**	**100**	**4,604**	**100**	**4,996**	**100**

** "Other" completions include supervision inoperative, supervision interrupted, etc. Violent offences include offences: Schedule I, first and second degree murder. Source: OMS

In January 1996, the CCRA was amended to permit the use of residency at a community facility as a condition of release for SR. It is difficult to compare success rates for SR with residency, and rates for regular SR because of the short follow-up periods. Early indications, however, suggest that recidivism rates for SR with residency may be higher than rates for regular SR. For example, of the total of 898 cases involving SR with residency in 1995/96 and 1996/97, 31% (279 cases) were revoked for a new offence

TABLE 89 STATUTORY RELEASE WITH RESIDENCY SUCCESS RATES						
	1995/96		1996/97		TOTAL	
Success	#	%	#	%	#	%
Completions	0	0	48	13	48	12
Technical Revocations/Other	10	53	63	16	73	18
Total Success	**10**	**53**	**111**	**29**	**121**	**30**
Recidivism (Revocation with Offence)						
Non-Violent Offences	5	26	257	68	262	66
Violent Offences	4	21	13	3	17	4
Total Recidivism	**9**	**47**	**270**	**71**	**279**	**70**
Total	**17**	**100**	**281**	**100**	**400**	**100**

Source: OMS Success rate is based on year of completion.

Comparison Of Success Rates By Release Type: There are noteworthy trends in success by release type. As expected, offenders selected for day parole and regular full parole demonstrate higher rates of success than offenders released on APR and SR. As background to review of success rates, it is important to note that success for various types of release is based on supervision periods of different length. A day parolee must generally remain in the community without reoffending for 6 months to be considered successful. Recent information has shown that offenders who are released on SR and succeed, are often released quite close to warrant expiry as a result of revocation and re-release. In fact, about 40% of this group were released within six months of warrant expiry. The situation differs for full parole. For example, APR cases on average, must remain in the community for about 24 months without reoffending to be successful. Average supervision periods are even longer for regular full parole.

TABLE 88 STATUTORY RELEASE SUCCESS RATE										
	1992/93		1993/94		1994/95		1995/96		1996/97	
	#	%	#	%	#	%	#	%	#	%
SUCCESS										
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Technical Revoc/Other**	1,030	28	1,424	31	1,331	31	1,389	30	1,610	31
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Violent offences	181	5	176	4	140	3	150	2	109	3
Total Recidivism	**661**	**18**	**842**	**19**	**497**	**11**	**576**	**12**	**622**	**13**
Total	**3,653**	**100**	**4,576**	**100**	**4,314**	**100**	**4,604**	**100**	**4,996**	**100**

** "Other" completions include supervision inoperative, supervision interrupted, etc. Violent offences include offences: Schedule I; first and second degree murder. Source: OMS

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TABLE 89 STATUTORY RELEASE WITH RESIDENCY SUCCESS RATES						
	1995/96		1996/97		TOTAL	
Success	#	%	#	%	#	%
Completions	0	0	48	13	48	12
Technical Revocations/Other	10	53	63	16	73	18
Total Success	**10**	**53**	**111**	**29**	**121**	**30**
Recidivism (Revocation with Offence)						
Non-Violent Offences	5	26	257	68	262	66
Violent Offences	4	21	13	3	17	4
Total Recidivism	**9**	**47**	**270**	**71**	**279**	**70**
Total	**17**	**100**	**281**	**100**	**400**	**100**

Source: OMS Success rate is based on year of completion.

Comparison Of Success Rates By Release Type: There are noteworthy trends in success by release type. As expected, offenders selected for day parole and regular full parole demonstrate higher rates of success than offenders released on APR and SR. As background to review of success rates, it is important to note that success for various types of release is based on supervision periods of different length. A day parolee must generally remain in the community without reoffending for 6 months to be considered successful. Recent information has shown that offenders who are released on SR and succeed, are often released quite close to warrant expiry as a result of revocation and re-release. In fact, about 40% of this group were released within six months of warrant expiry. The situation differs for full parole. For example, APR cases on average, must remain in the community for about 24 months without reoffending to be successful. Average supervision periods are even longer for regular full parole.

TABLE 90 COMPARISON OF SUCCESS RATES BY RELEASE TYPE								
RELEASE TYPE/YEAR	SUCCESS		RECIDIVISM				TOTAL RECIDIVISM	
			Non Violent offence		Violent offence			
Day Parole	#	%	#	%	#	%	#	%
1992/93	4,969	92	360	6	99	2	459	9
1993/94	4,688	93	256	5	83	2	339	7
1994/95	4,278	95	171	4	68	1	239	5
1995/96	3,585	95	132	4	56	1	188	5
1996/97	3,033	96	84	3	26	1	110	4
Full Parole (Reg.)	#	%	#	%	#	%	#	%
1992/93	2,512	87	309	11	69	2	378	13
1993/94	2,890	86	377	11	90	3	467	14
1994/95	2,444	91	176	7	62	2	238	9
1995/96	1,773	92	109	4	42	2	151	6
1996/97	1,371	92	89	6	29	2	118	8
Full Parole (APR)	#	%	#	%	#	%	#	%
1992/93	7	70	2	20	1	10	10	30
1993/94	136	63	71	33	9	4	80	37
1994/95	454	77	112	20	16	3	128	23
1995/96	700	84	129	15	12	1	141	16
1996/97	776	85	125	14	13	1	138	15
Stat. Release	#	%	#	%	#	%	#	%
1992/93	3,028	82	480	13	181	5	661	18
1993/94	3,674	81	666	15	176	4	842	19
1994/95	3,817	89	357	8	140	3	497	11
1995/96	4,028	87	426	10	150	3	576	13
1996/97	4,483	87	513	10	109	3	622	13

Success Rate is based on the year of completion of the supervision period.
Violent offences include offences on Schedule I, plus first and second degree murder.

Since implementation of the CCRA, the day parole program has had higher success rates (92% to 96%) than full parole or SR. Success rates for regular full parole (87% to 92%) have approximated rates for day parole. Rates for regular full parole have consistently exceeded rates for APR and SR. Success rates (63% to 85%) for APR have been improving and are now very similar to rates for SR. Success rates for SR have ranged from 82% to 89%, but have been steady at 87% in the past two years. Since the CCRA, recidivism including violent recidivism has declined for all types of release. Although these reductions cannot be attributed to the Act, they may reflect enhanced risk assessment and risk management practices by NPB and CSC within the legislative framework provided by the Act.

Post-Warrant Expiry Recidivism: Success or failure by offenders after warrant expiry is influenced by diverse factors, most of which are beyond the control of CSC and the Board. Nevertheless, information on post-WED recidivism provides important information for assessment of effectiveness of rehabilitation and long-term reintegration.

Tables 91 and 92 compare federal recidivism after warrant expiry for offenders released on full parole or SR from 1986/87 to 1996/97. That is, the tables illustrate the status on September 1997, of all offenders released in the given year, by release type. Consistent with other findings on outcomes of release, offenders reaching warrant expiry on SR were 3 to 4 times more likely to be readmitted to a federal institution after WED than offenders released on full parole. Rates of post-WED recidivism for full parole range from about 1% to 13% annually. For SR, the annual rates range from 7% to 38%. In the years since introduction of the CCRA, excluding 1996/97, post-WED recidivism for full parole has averaged 2%, compared with 18% for SR.

Data in the Tables illustrate differences in supervision periods for full parolees and offenders on SR. For offenders released on SR from 1986/87 to 1994/95, 1% or less remain under supervision. For offenders released on SR in 1995/96, 6% remain supervised in the community and 48% of those released in 1996/97 remain supervised. In comparison, for full parolees released from 1986/87 to 1994/95, 3% to 23% remain under supervision. For offenders released on full parole in 1995/96, 56% were still under supervision on March 31, 1997 while 88% of those released in 1996/97 remain supervised.

TABLE 91
POST-WARRANT EXPIRY FEDERAL RECIDIVISM – FULL PAROLE

Yr. of Release	Releases		Readmission Before WED		Under Supervision		Reached WED		Post WED Readmissions	
	#	%	#	%	#	%	#	%	#	%
1986/87	2,008	100	537	27	54	3	1,417	71	184	13
1987/88	2,280	100	646	28	67	3	1,567	69	182	12
1988/89	1,862	100	521	28	56	3	1,285	69	113	9
1989/90	1,933	100	505	26	88	5	1,340	69	140	10
1990/91	2,084	100	595	29	111	5	1,378	66	103	7
1991/92	2,259	100	652	29	167	7	1,440	64	109	8
1992/93	2,577	100	842	33	243	9	1,492	58	91	6
1993/94	2,599	100	975	38	303	12	1,321	51	57	4
1994/95	2,228	100	746	33	502	23	980	44	14	1
1995/96	1,998	100	546	27	1,111	56	341	17	4	1
1996/97	1,732	100	189	11	1,520	88	23	1	0	0

Source: EIS Includes outcomes of release for all types of offenders (e.g. APR cases, lifers).

TABLE 92
POST-WARRANT EXPIRY FEDERAL RECIDIVISM - STATUTORY RELEASE

Yr. of Release	Releases		Readmission before WED		Under Supervision		Reached WED		Post WED Readmissions	
	#	%	#	%	#	%	#	%	#	%
1986/87	3,283	100	1,468	45	9	0.1	1,806	55	678	38
1987/88	3,354	100	1,491	44	3	0.1	1,863	56	614	33
1988/89	3,309	100	1,562	47	8	0.2	1,740	53	511	29
1989/90	3,448	100	1,585	46	4	0.1	1,859	54	511	28
1990/91	3,444	100	1,570	46	12	0.4	1,862	54	492	26
1991/92	3,478	100	1,581	45	12	0.3	1,885	54	479	25
1992/93	3,639	100	1,615	44	20	0.6	2,004	55	424	21
1993/94	3,518	100	1,543	44	21	0.6	1,956	55	473	24
1994/95	3,915	100	1,765	45	45	1.0	2,105	54	383	18
1995/96	4,459	100	1,965	44	276	6	2,218	50	275	12
1996/97	4,801	100	1,412	29	2,271	48	1,116	23	79	7

Source: EIS

DETENTION

The detention provisions of the CCRA authorize the National Parole Board, following a referral from the Correctional Service of Canada, to detain an offender past the SR date. This decision can be made if the Board is satisfied that the offender is likely, if released, to commit an offence causing death, or serious harm to another person, a sexual offence involving a child, or a serious drug offence, before the expiration of the offender's sentence. The detention provisions are intended to increase public protection against serious harm and serious drug offences. Detention is a measure of last resort for offenders whose risk of reoffending violently or with a serious drug offence remains very high at their SR date.

The detention of offenders beyond SR date has serious consequences for offenders and for public safety. As a result, Parliament, through various committees has monitored the detention provisions closely, with reviews in 1990 (general) and in 1992 (focus on Aboriginal offenders). A parliamentary review of the detention

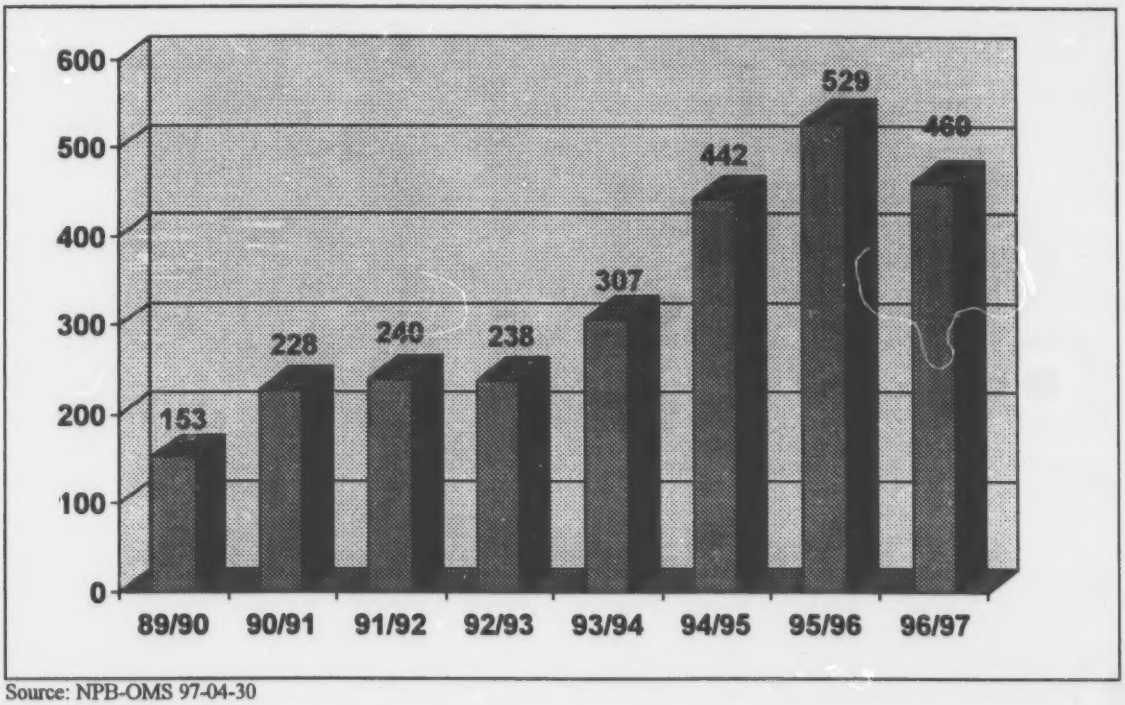
provisions was also planned for 1995; however, this review did not occur. As a result, the review of detention has been integrated with the CCRA review.

TRENDS IN DETENTION

Detention Referrals: Prior to the introduction of the detention provisions in 1986, it was anticipated that there would be 200-250 referrals a year to the NPB, and that the Board would detain about 100 offenders. These figures were rough estimates based on the number of revocations of MS for a violent offence in 1985/86, and the Board's limited experience with gating offenders.

Following legislative implementation, the number of detention referrals each year rose steadily to a high of 529 in 1995/96. In 1996/97, the number of referrals decreased by 13%, to 460, for the first significant decrease since the introduction of detention in 1986/87. The major factor in the decrease appears to be Bill C-45 which provided NPB with authority to impose residency as a condition of SR, without having to proceed through detention referral. In 1996/97, SR with residency was used for 845 cases. The trend in reduction of detention referrals appears to have continued in 1997/98, as referrals amounted to 178 in the first six months of the year. Simple projection of this figure to year-end produces a total of about 360 referrals, a forecasted decrease of over 20% compared to 1996/97.

FIGURE 16
NUMBER OF DETENTION REFERRALS



Source: NPB-OMS 97-04-30

From 1989/90 to 1995/96, detention referrals grew in number, and as a proportion of all offenders reaching their SR date (entitled to SR) annually i.e. the rate of referral increased from 4.2% to 10.7%. The proportion declined in 1996/97 to 8.8% and appears headed for another decline in 1997/98.

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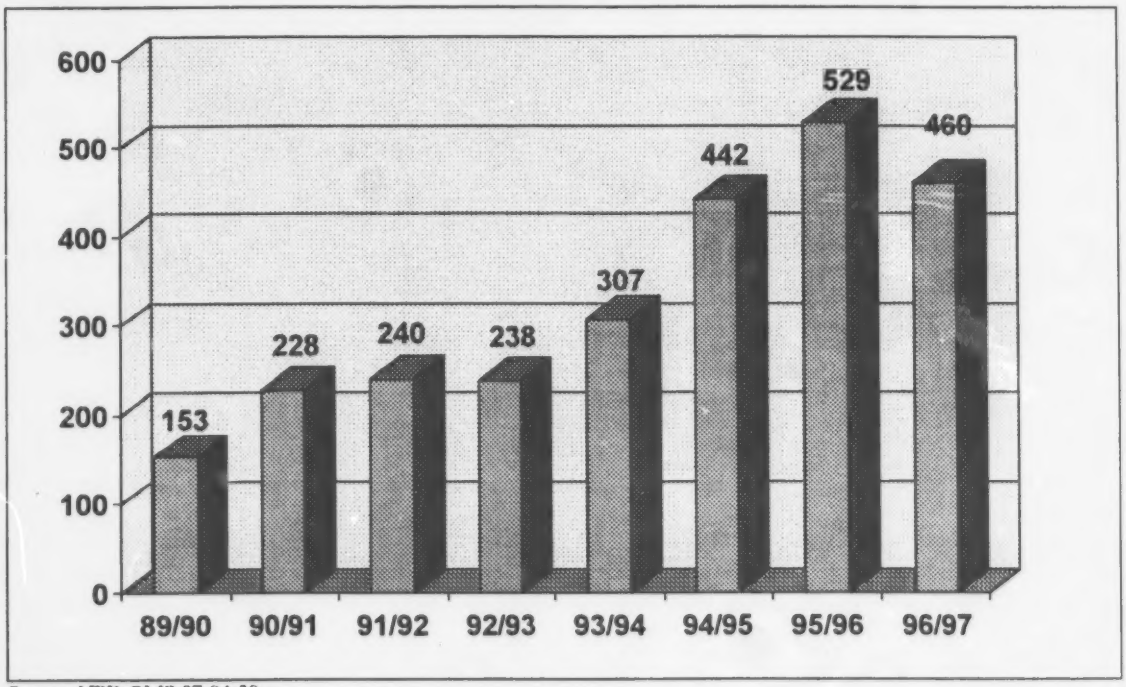

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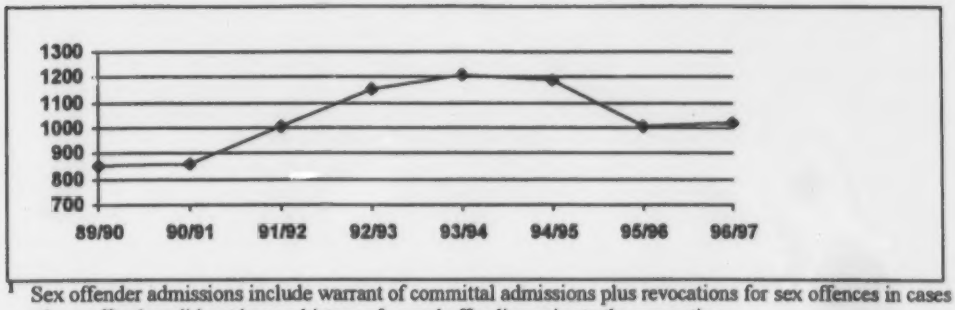
TABLE 93 REFERRAL RATES BY YEAR			
YEAR	NO. OF REFERRALS	OFFENDERS ENTITLED TO SR	RATE (%)
1989-90	153	3645	4.2
1990-91	228	3711	6.1
1991-92	240	3729	6.4
1992-93	238	3872	6.2
1993-94	307	4183	7.3
1994-95	442	4847	9.1
1995-96	529	4920	10.7
1996-97	460	5225	8.8

Source: OMS

Reasons for increases in the numbers and rates of referrals for detention were difficult to specify; however, the following are considered contributing factors:

- 20% growth in the number of federally incarcerated offenders from 1989/90 to 1996/97.
- more offenders sentenced for a scheduled offence. The proportion of incarcerated offenders serving a sentence for a scheduled offence increased from 47% in 1989/90 to 73% in 1996/97. When only offenders serving determinate sentences are considered, the proportion sentenced for a scheduled offence increases to 84% in 1996/97, compared to 53% in 1989/90. The majority are schedule I offenders.
- addition of offences to schedule I with the CCRA (limited impact). About 4% of referrals involved offences added to the schedule when the CCRA was introduced. These offences also contributed to a small shift in referrals to direct referrals from Commissioner's referrals.
- the introduction of schedule II in 1992 (limited impact). During the first 17 months of CCRA operations, 21 offenders referred (1.3%) had a major admitting offence on schedule II, and only 3 of these offenders were referred based on the likelihood to commit a serious drug offence. The other 18 were referred based on the likelihood to commit an offence involving death or serious harm.
- increases (43%) in the number of offenders remaining incarcerated to their SR date, from 3645 in 1989/90 to 5225 in 1996/97.
- rapid growth in the federal sex offender population. Detention referrals tend to target sex offenders (e.g. about 60% of offenders referred had at least one sex offence). Between 1989/90 and 1994/95, annual admissions (federal) of sex offenders increased by 39%.

FIGURE 17
ADMISSIONS[1] OF SEX OFFENDERS TO FEDERAL CUSTODY



[1] Sex offender admissions include warrant of committal admissions plus revocations for sex offences in cases where offenders did not have a history of sexual offending prior to the revocation.

- public concern about family violence. A review of Commissioner's referrals (1996) indicated that 24 out of the 102 cases involved domestic violence (e.g. threats to kill/harm).

- more rigorous review of risk by CSC through the offender intake assessment (OIA) process and other measures to identify offenders for referral for detention.

Regional Variations: From 1989/90 to 1996/97, the Prairies and Ontario regions accounted for over 60% of all referrals (Prairies 795 referrals or 31%, and Ontario 785 referrals or 30%). The number of referrals annually has declined in Ontario in the past two years, and in the Pacific and the Prairies in the last year. In the Atlantic, however, the annual number of referrals continued to grow in 1996/97 (22%). Referrals remained stable in Quebec.

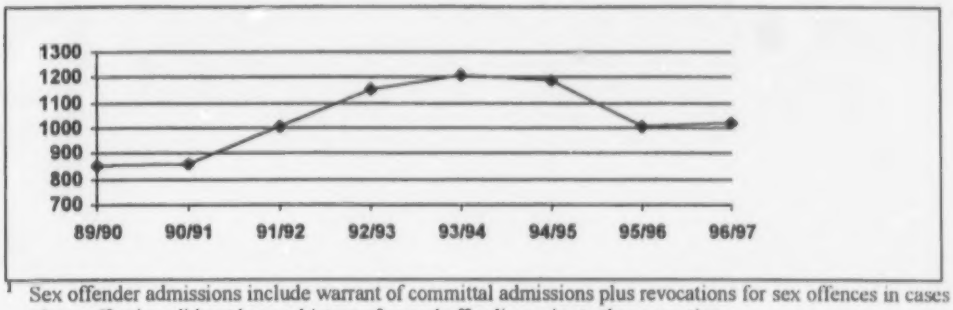
TABLE 94
DETENTION REFERRALS BY REGION

YEAR	ATL		QUE		ONT		PRA		PAC		CANADA	
	#	%	#	%	#	%	#	%	#	%	#	%
1989-90	12	-	26	-	45	-	43	-	26	-	153	
1990-91	12	0	30	+15	66	+47	82	+91	38	+46	228	+49
1991-92	13	+8	44	+47	77	+17	74	-10	32	-16	240	+5
1992-93	24	+85	26	-41	74	-4	68	-8	46	+44	238	-1
1993-94	29	+21	41	+58	107	+45	87	+28	43	-7	307	+29
1994-95	42	+45	52	+27	166	+55	116	+33	66	+54	442	+44
1995-96	46	+10	71	+48	136	-18	187	+64	89	+36	529	+20
1996-97	56	+22	72	+1	114	-16	138	-26	80	-10	460	-13
TOTAL	**234**		**363**		**785**		**795**		**420**		**2597**	
Total Increase %	367%		177%		153%		221%		208%		201%	

Source: NPB-OMS. Percentage is the change with respect to the previous year. Total increase % compares 1996/97 and 1989/90.

Comparison of detention referrals and incarcerated populations by region, indicates that Quebec is under-represented in referrals, accounting for about 26% of the incarcerated population but only 14% of detention referrals. Similarly, the Atlantic region has accounted for 9% of detention referrals and about 12% of the incarcerated population. The Prairies, Ontario, and the Pacific have all accounted for higher proportions of detention referrals than their proportions of the incarcerated populations.

FIGURE 17
ADMISSIONS[1] OF SEX OFFENDERS TO FEDERAL CUSTODY



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	#	%	#	%	#	%	#	%	#	%	#	%
1989-90	12	-	26	-	45	-	43	-	26	-	153	
1990-91	12	0	30	+15	66	+47	82	+91	38	+46	228	+49
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1992-93	24	+85	26	-41	74	-4	68	-8	46	+44	238	-1
1993-94	29	+21	41	+58	107	+45	87	+28	43	-7	307	+29
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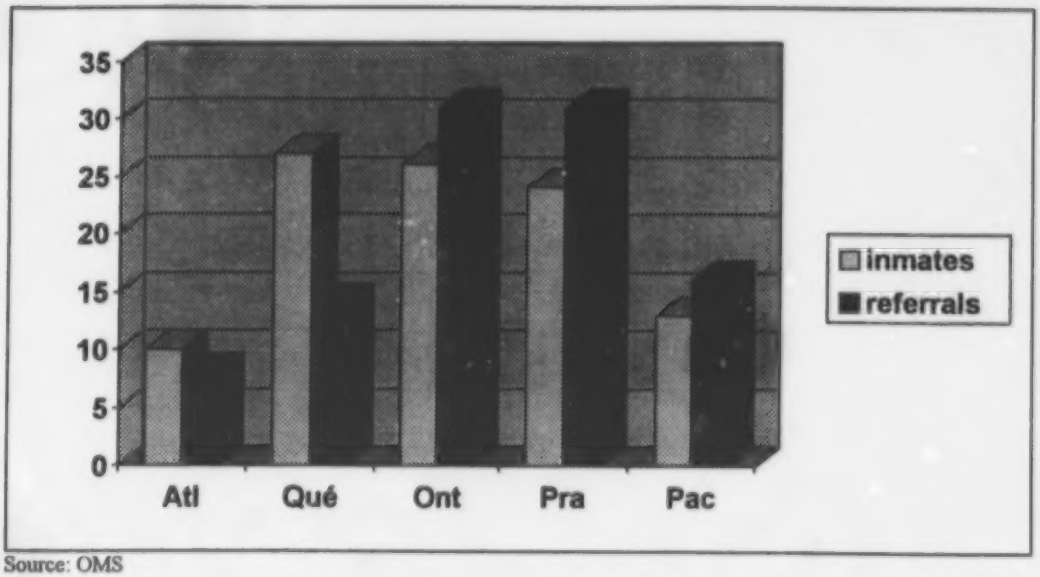
FIGURE 18
REGIONAL PROPORTIONS OF DETENTION REFERRALS (%)



Source: OMS

Research has shown that regional differences in referrals may be attributed, at least in part, to the offence profile of regional offender populations (e.g. sex offenders, major assaulters). The Ontario region has the highest proportion of offenders serving a sentence for major assaults, and the second highest proportion of sex offenders. The Prairies has the highest proportion of sex offenders. Offenders referred for detention are less likely to have been convicted of robbery or of a serious drug offence. These two groups of offenders tend to be over-represented in the Quebec region.

Detention Rates: During planning for Bill C-67 in 1985/86, rough estimates suggested that annual rates of detention following referral would be in the 50% range. Actual detention rates quickly exceeded original estimates, and have shown steady growth. By 1989/90, the rate was 71% and it climbed to 79% by 1991/92. After the CCRA, rates of detention climbed steadily to 93%, averaging 91% for the five year period.

TABLE 95 DECISIONS AT INITIAL DETENTION REVIEWS BY YEAR - CANADA									
YEAR	DETAINED		STATUTORY RELEASE		SR RESIDENCY		ONE CHANCE SR		TOTAL
	#	%	#	%	#	%	#	%	
1989-90	109	71	5	3	17	11	22	14	153
1990-91	180	79	9	4	14	6	25	11	228
1991-92	184	77	10	4	25	10	21	9	240
1992-93	200	84	5	2	13	5	20	8	238
1993-94	274	89	4	1	16	5	13	4	307
1994-95	407	92	9	2	10	2	16	4	442
1995-96	483	91	8	2	18	3	20	4	529
1996-97	429	93	21	5	n/a	n/a	10	2	460
TOTAL	2267	87	57	2	127	5	147	6	2598

Source: OMS

Increases in the rates of detention may be attributed to numerous factors including:

- the more violent offence profile of offenders referred for detention. From 1989/90 to 1993/94, there were considerable increases in proportions of offenders referred for detention who had histories of sexual offences and assault.

- increased public concerns about crime and violence combined with greater public access to NPB decisions (observers at hearings and decision registry).

- enhanced risk assessment training for CSC and NPB emphasizing violent reoffending, coupled with growing public fear of crime.

- reduced options for decision-making in a detention review. Bill C-45 removed the need for a detention review by NPB to impose residency on SR. This type of decision accounted for 2% to 11% of detention decisions over the past eight years. Elimination of this type of case from the detention process reduced the number of decisions not to detain and, therefore, increased the detention rate.

- the nature of the detention review process. NPB conducts a detention review on referral of the case by CSC. Board members have indicated that once CSC has suggested that an offender is likely to commit an offence involving death or serious harm, it is difficult for NPB to justify any release. Comparison of annual referrals by CSC and NPB decisions to detain illustrate this situation. At initial detention reviews, the Board detained on CSC's recommendation in 8 of 10 cases from 1986/87 to 1992/93, and in 9 of 10 cases from 1993/94 to 1996/97.

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1990-91	180	79	9	4	14	6	25	11	228
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1992-93	200	84	5	2	13	5	20	8	238
1993-94	274	89	4	1	16	5	13	4	307
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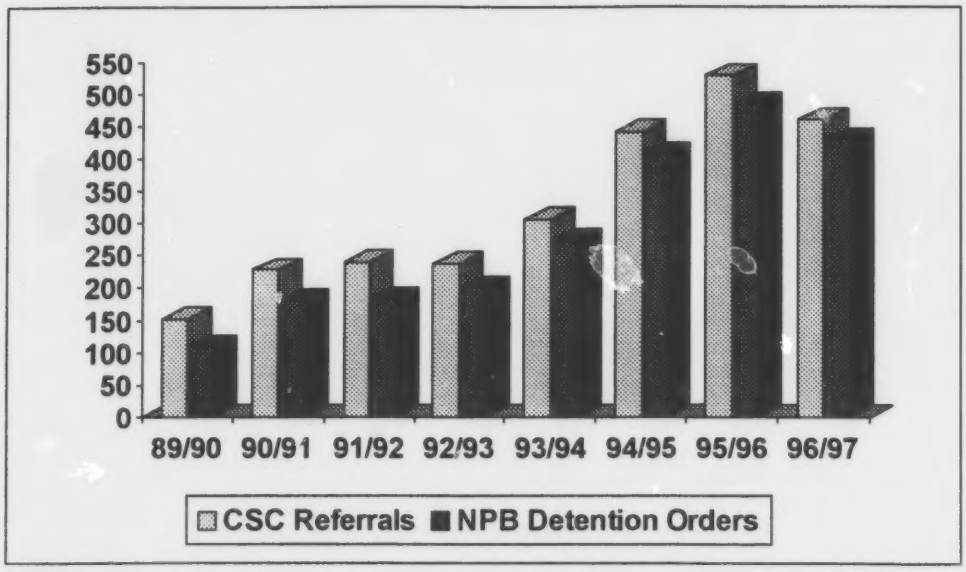
FIGURE 19
DETENTION REFERRALS AND DECISIONS TO DETAIN



Nationally, detention rates have risen steadily since introduction of the CCRA, from 84% to 93%. By region, rates also rose, by varying degrees. By 1996/97, however, rates in all regions were within 2 percentage points (92% to 94%).

TABLE 96
DETENTION RATES BY REGION AND BY YEAR

YEAR	ATLANTIC		QUEBEC		ONTARIO		PRAIRIES		PACIFIC		CANADA	
	#	%	#	%	#	%	#	%	#	%	#	%
89-90	7/12	58	18/27	67	33/45	73	36/43	84	15/26	58	109/153	71
90-91	6/12	50	28/30	93	54/66	82	66/82	81	26/38	68	180/228	79
91-92	11/13	85	38/44	86	61/77	79	55/74	74	19/32	59	184/240	77
92-93	20/24	83	21/26	81	67/74	91	58/68	85	34/46	74	200/238	84
93-94	24/29	83	35/41	85	103/107	96	76/87	87	36/43	84	274/307	89
94-95	37/42	88	49/52	94	152/166	92	111/116	96	58/66	88	407/442	92
95-96	40/46	87	65/71	92	130/136	96	173/187	93	75/89	84	483/529	91
96-97	52/56	93	66/72	92	107/114	94	130/138	94	74/80	93	429/460	93
Average	**197/234**	**84**	**320/363**	**88**	**707/785**	**90**	**705/795**	**89**	**338/421**	**80**	**2267/2598**	**87**

Source: NPB-OMS - 1997-08

From 1989/90 to 1996/97, rates of detention were lowest in the Pacific and Atlantic regions. In the Pacific, the 8 year average was 80%. In the Atlantic, the average for the same period was 84%. In these regions, concordance rates (agreement between CSC recommendation and NPB decision) were also lowest, generally running 3% to 12% lower than concordance rates in Quebec, Ontario, and the Prairies.

The Ontario region had the highest average detention rate from 1989/90 to 1996/97, at 90%. In fact, the annual detention rate has been over 90% in Ontario in each of the last five years. The Prairies had the second highest rate (89%) over the last eight years, with rates over 90% in the last three years The rate in Quebec has been 88%, and it too has been over 90% in the last three years.

Confirmation of Detention Orders: The CCRA specifies that offenders subject to a detention order are entitled to an annual review of their case. In these annual reviews, detention orders have been confirmed at about the same rates annually (75% to 92%) as initial decisions to detain, and the overall rate for the period 1991/92 to 1996/97 was practically the same for subsequent reviews (86%) and initial reviews (87%).

DETENTION AND SELECTED GROUPS OF OFFENDERS

Female Offenders: Since 1989/90, 27 female offenders have been referred for detention (24 or 88% have been ordered detained). Female offenders have represented 1% of detention referrals and 2% to 3% of the federal offender population.

Aboriginal Offenders: In 1991, the Parliamentary Committee raised concerns regarding the disproportionate number of referrals of Aboriginal offenders for detention. This concern was based on a 1990 finding which indicated that Aboriginal offenders made up 11% of the total offender population, but 25% of all offenders referred for detention. This finding was reinforced by information collected in 1995 which indicated that 24% of the offenders referred for detention were Aboriginal compared with 15% of the incarcerated population. The main factor in the rate of referral for Aboriginal offenders appears to be related to criminal history which involves significant levels of violent offending. Detention referrals tend to target violence.

TABLE 97
DETENTION REFERRALS, ABORIGINAL/NON-ABORIGINAL 1989/90 TO 1994/95

	ATLANTIC		QUEBEC		ONTARIO		PRAIRIES		PACIFIC		CANADA	
	#	%	#	%	#	%	#	%	#	%	#	%
Aboriginal	22	16	10	4	38	7	262	56	62	25	394	24.5
Non-Aboriginal	110	84	210	96	497	93	208	44	189	75	1214	75.5
TOTAL	**132**	**100**	**220**	**100**	**535**	**100**	**470**	**100**	**251**	**100**	**1608**	**100**

Source: OMS

While referred more frequently for detention than non-aboriginal offenders, Aboriginal offenders were subject to detention at the same rate (84%) as non-aboriginals at initial and subsequent reviews. Aboriginal offenders who were released, however, were more likely to have their release revoked (80%) than non-aboriginal offenders (50%).

TABLE 98
DETENTION RATE ABORIGINALS/NON-ABORIGINALS – 1989/90 TO 1995/96

		ATLANTIC		QUEBEC		ONTARIO		PRAIRIES		PACIFIC		CANADA	
		Abor.	Non Abor.	Abor.	Non Abor.	Abor.	Non Abor.	Abor.	Non Abor.	Abor.	Non Abor.	Abor.	Non Abor.
Detained	#	17	88	7	182	34	436	224	178	48	140	330	1024
	%	77	80	70	87	89	88	86	86	78	74	84	84
SR	#	1	8	0	4	1	17	0	1	2	8	4	34
	%	5	7	0	2	3	3	0	0	3	4	1	3
SR W/	#	1	6	1	16	1	16	26	15	2	11	31	64
Residency	%	5	6	10	7	3	3	10	7	3	6	8	6
One chance SR	#	3	8	2	8	2	28	12	14	10	30	29	88
	%	13	7	20	4	5	6	4	7	16	16	7	7
Total		**22**	**210**	**10**	**210**	**38**	**497**	**262**	**208**	**62**	**189**	**394**	**1214**

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CHARACTERISTICS OF DETENTION POPULATION

Length Of Sentence: Offenders referred for detention were likely to have longer sentences than offenders released on full parole or SR. For example, 37% of referrals had sentences of six years or more, compared to

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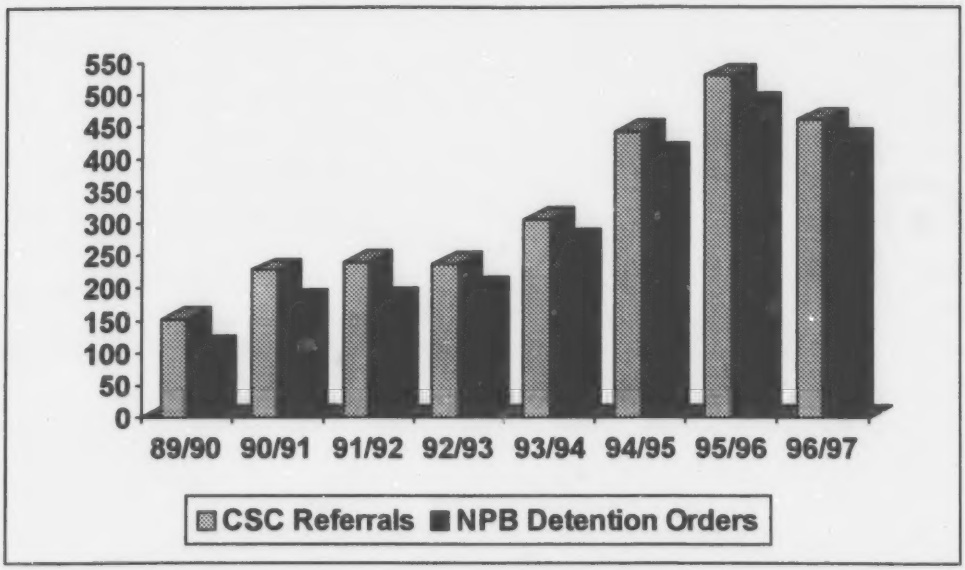

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Residency	%	5	6	10	7	3	3	10	7	3	6	8	6
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CHARACTERISTICS OF DETENTION POPULATION

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20% of those released on FP or SR. Aboriginal referrals were more likely to have shorter sentences (39% under 3 years) than non-aboriginals. Offenders actually detained to the end of their sentence, however, were more likely to have shorter sentences than those released on SR at the initial detention review or those released on SR after a period of detention. Almost 50% of the offenders detained to WED had sentences of four years or less.

Age At Admission: Offenders detained to WED tend to be older (33 years) than those released on SR (30 years), and those referred and subsequently released (32 years). Aboriginal offenders were approximately 3 years younger than non-aboriginals at the date of referral.

Offence History: Offenders referred for detention had a more violent offence profile than those released on SR, or full parole. Referral cases were more likely to have been convicted of scheduled offences. For example, offenders referred for detention had an average of 2.6 scheduled offences. In comparison, those released on full parole had on average of 2 scheduled offences in 1990/91 and 1991/92, but this declined to 1.8 in 1993/94. Those released on SR following a day or full parole release averaged 1.94 scheduled offences initially, but this increased to 2.27 in 1992/93.

Research indicates that 59% of offenders referred for detention had at least one sex offence, 42% had been convicted of at least one assault, and 22% had at least one non-scheduled violent offence. By comparison, less than 20% of the offenders released on SR as their first release, had committed a sex offence, fewer than 29% had been convicted of assault, and 11% had committed a non-scheduled violent offence.

Research reveals that offenders convicted of robbery were equally represented among offenders referred for detention (22%) and those released on full parole (24%). Offenders convicted of at least one scheduled drug offence represent less than 3% of those referred for detention, while they represented 28% of those released on full parole. Aboriginal offenders who were referred, were less likely to have been convicted of sexual offences and drug offences and are more likely to have been convicted of assault and manslaughter than non-Aboriginal offenders.

POST-DETENTION OUTCOMES AND PUBLIC SAFETY

Understanding the nature of violent offending and managing violent offenders is a priority for public safety. Canada has a number of pieces of legislation intended to deal with offenders who pose a serious risk of reoffending in a violent manner. Probably the two best known are the dangerous offender provisions of the *Criminal Code* of Canada, and the detention provisions of the CCRA. A common thrust in both legislative measures is prediction of violent behaviour. Research has shown, however, that predicting violent behaviour is an extremely difficult task. Violent crime generally shows low base rates, making prediction particularly challenging.

Selection Of High Risk Cases: Research demonstrates that those offenders released at or after their SR date, and therefore, deemed to be too high a risk for release on parole, are a particularly problematic group. Current risk assessment tools indicate that they are more likely than paroled offenders to commit a new crime following their release. From this group, potential detainees who are likely to commit a new violent crime must be selected.

CSC and NPB appear to be using detention to identify cases with violent histories. For example, research reported in 1996 that "both designated dangerous offenders and detention cases are indeed, high risk offenders". Research has also indicated that:

- Overall, the average number of scheduled offences was highest for offenders referred for detention. For the comparison groups, those released on SR and full parole had lower average numbers of scheduled offences than offenders referred for detention. For SR, however, the average numbers of scheduled offences has been increasing in recent years, approximating the rate for detention referrals.

- Consistent with referral criteria for detentio.., the majority of detained offenders had a major admitting offence categorized as violent. Compared to the general penitentiary population, detained offenders were more likely to have been convicted of a violent offence including sexual offences (49% to 4%), assault/wounding (16% to 6%), manslaughter (8% to 4%), and attempt murder (4% to 1%).

- Examination of criminal records found that 95% of offenders reviewed for detention had a history of violent offences. Conviction history varied for offenders who were detained and subsequently had their detention order lifted; for offenders who were detained to warrant expiry; and for offenders who were released on one-chance SR and subsequently revoked and detained to warrant expiry. Sex offence convictions were most prevalent among the detention order lifted (63%) and fully detained offenders (63%), whereas a history of assault was most prevalent among offenders whose one-chance SR had been revoked (65%).

TABLE 99
CRIMINAL HISTORY[1] BY DETENTION GROUP

Type	Detention 'lifted' (n = 148) %	Fully detained until warrant expiry (n = 114) %	Revoked on "one-chance" statutory release then detained until warrant expiry (n = 162) %
Homicide	16.2	13.2	15.4
Sex	62.8	63.2	56.2
Robbery	50.7	35.1	44.4
Assault	59.5	56.1	64.8
Property:	83.8	80.7	78.4
Drug	25.0	22.8	19.1
Violent	96.6	93.0	96.3

[1] Categories are not mutually exclusive. Percentages, therefore exceed 100. Source: OMS

Identification of criminal history alone is not sufficient for discussion of detention and SR in the context of public safety. Recidivism, particularly violent recidivism, must also be considered given the anticipated level of risk presented by the detention referral group. CSC and NPB have carried out a great deal of work to examine recidivism. Research examined detention in detail, providing extensive analysis of recidivism. Significant work has also been carried out to examine recidivism for offenders released on parole and SR.

Comparison of recidivism for SR and detention using a two year follow-up period indicates that the recidivism rate for the SR group was 37% compared to 17% for offenders who were detained to warrant expiry and then released. In terms of violent reoffending (Schedule I, murder), detained offenders had a recidivism rate of 16%, while the SR group had a rate of 19%.

Although the status in the community varied slightly for these groups in that offenders on SR were under supervision while the detained offenders were not, the data indicate that detained offenders were less likely to reoffend during the follow-up period. The size of the SR group also means that the number of offenders committing new violent offences is much higher for this group. It should be noted, however, that for offenders on SR who reoffended within 2 years of release, about 1 in 2 did so with a violent offence. In comparison, for offenders who were detained and released and who reoffended, 9 in 10 reoffended with a violent offence.

Predicting Violent Recidivism: The results of research and various studies indicate that the detention provisions are being applied to offenders with histories of violence. Research findings also indicate that predicting violent behaviour is an extremely difficult task. Violent crime typically shows low base rates (few actual numbers), making prediction particularly challenging. The results of research confirm that it is difficult

to discriminate within the high-risk group of offenders to select those who should be released to the community and those who should be detained to warrant expiry.

Comparison of detention and SR reinforces these findings. Research suggests that detention reduces recidivism in the short-term, but that the effect is not sustained. Those offenders detained to warrant expiry, and those offenders detained to warrant expiry following revocation of one-chance SR show low rates of recidivism initially, but higher rates over time. Those offenders who are detained initially, but whose detention order is lifted, appear to recidivate after one year at nearly the same rate as offenders released directly to SR, but in the longer run, recidivate at a higher rate than offenders on SR. At the same time, rates of recidivism for SR exceed rates for the detention group. A key issue and research priority then becomes enhanced risk assessment and violence prediction tools.

Population Levels And Costs: Assessing the impact of detention on the offender population, and offender population costs is a complex exercise. While it is possible to identify the number of offenders detained annually, and the number of detained offenders in institutions on March 31 of each fiscal year, the impact of detention is difficult to assess because detained offenders are spread across all regions, and numerous institutions, for varying periods.

TABLE 100
OFFENDERS DETAINED ANNUALLY BY REGION

	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Atlantic	7	6	11	20	24	37	40	52
Quebec	18	28	38	21	35	49	65	66
Ontario	33	54	61	67	103	152	130	107
Prairies	36	66	55	58	76	111	173	130
Pacific	15	26	19	34	36	58	75	74
Canada	109	180	184	200	274	407	483	429

Source: OMS

In the period 1993/94 to 1995/96, the number of offenders detained annually showed sharp increases, particularly in the Ontario and Prairies regions. In 1996/97, however, the number of offenders detained declined by about 11% compared to 1995/96. This trend is expected to continue in 1997/98, with a projected decline of about 20%.

TABLE 101
OFFENDERS DETAINED ON MARCH 31 OF THE FISCAL YEAR

	1989/90	1990/91	1991/92	1992/93	1993/94	1994/95	1995/96	1996/97
Atlantic	10	8	14	25	30	46	52	57
Quebec	21	30	45	27	43	60	80	87
Ontario	42	60	80	83	122	179	177	187
Prairies	45	72	75	74	94	138	195	177
Pacific	21	29	24	46	46	72	95	106
Canada	139	199	238	255	335	495	615	616

Source: OMS

Detention results in the continued incarceration of a significant number of offenders annually, however, the impact on the offender population appears to be moderated to a degree by regional distribution. Further, the impact of detention on population levels and cost is difficult to isolate. For example, if detention did not exist, it is possible that many of the detained offenders would still be incarcerated as a result of release and revocation. The detained group is a high risk group and high readmission rates prior to warrant expiry would be expected (50% to 75% range). Offender population levels would be influenced accordingly.

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5.3 OPENNESS AND ACCOUNTABILITY

During work to develop the CCRA, there was widespread recognition of the need to enhance the openness and accountability of corrections and conditional release. Public cynicism, and lack of confidence in the justice system were eroding NPB/CSC capability for effective program delivery. Legislated statements of purpose and principles were considered crucial in efforts to increase openness and accountability. These statements were reinforced by legislative reform related to:

- the role of victims;
- observers at hearings;
- the decision registry; and
- employee professionalism.

5.3.1 THE ROLE OF VICTIMS

The CCRA recognizes the interests of victims in the processes of corrections and conditional release, and the need for accountability to victims. The Act requires CSC and NPB to disclose information about an offender when victims, as defined by the Act, request it, and permits disclosure of other information of a nature which would ordinarily be protected by the *Privacy Act*. CSC must ensure that available victim information is obtained for decision-making. Decision-makers in NPB and CSC must use any relevant, available information in assessing and managing risk.

SUMMARY OF FINDINGS

Employees of CSC and NPB recognize and support the need to provide information and assistance to victims. Victims contact the Board 5500 to 6500 times a year. Most contacts are in Ontario, but other regions have been showing steady increases in recent years. Victims of sexual assault are most likely to contact CSC/NPB, followed by victims of non-sexual violent offences. Victims contact the Board most often in writing, or by telephone. Contacts most often involve the direct victim who is seeking general information or information involving hearings or decisions for conditional release.

Feedback from victims has indicated that they are generally satisfied with information and assistance provided by CSC/NPB. A small proportion of victims has indicated, however, that they would like to be able to speak at NPB hearings. In addition, some victims have indicated that they want more information, particularly information on offender participation in treatment and related outcomes.

Information from victims is frequently used in conditional release decision-making, however, some difficulties have been encountered regarding the identification and provision of formal victim impact statements.

BACKGROUND

In recent years, victims have received increased attention in the criminal justice system. In this context, the CCRA formally recognized victims' interests in federal legislation, and established accountability to victims. The Act requires CSC/NPB to release certain information about offenders to their victims. If they wish, victims can continue to be involved after sentencing. Victims provide information about the offender or about the impact of the crime (emotional, physical, financial, psychological) which may be used in decisions regarding the offender's placement, transfer, treatment and release.

The CSC/NPB relationship with victims generally begins at the mid-point of the criminal justice process. When victims do contact CSC/NPB, many feel angry, frightened by the offender, and confused. Providing assistance to victims presents a complex challenge for CSC/NPB.

INITIATIVES RECOGNIZING VICTIMS

Numerous measures have been put in place to recognize and assist victims of crime. When NPB and CSC revised their respective missions, the role of victims, and the requirement to meet victims' needs were affirmed. The structure and resource base for CSC and NPB were adapted to respond to requests from victims. In the Board, Community Liaison Officer positions were established in each region to assist in meeting the requirements of the Act. In CSC, Victim Liaison Co-ordinators were identified in each regional office, parole office and institution. Given that CSC and NPB regional offices frequently deal with the same people, processes have been developed for effective co-ordination of work, and information sharing geared to meet the needs of victims.

NPB has established toll free calling in four of five regions to facilitate access by victims to NPB/CSC. In the fifth region, annual volumes of calls do not warrant a toll free service. Calls from victims are handled directly by regional staff. Public education and outreach activities have been used to increase public awareness of information available to victims. Pamphlets and brochures have been developed for use in public education.

VOLUME OF CONTACTS

Current information indicates that victims contact the Board 5500 to 6500 times a year. Most contacts are made in Ontario, but other regions have shown increases in recent years, particularly the Prairies and Pacific regions. Generally, victims who seek information about an offender ask to be informed throughout the offender's sentence.

TABLE 102
CONTACTS WITH VICTIMS

	ATL		QUE		ONT		PRA		PAC		CAN	
	#	%	#	%	#	%	#	%	#	%	#	%
1993/94[1]	272	7	69	2	2,687	72	248	7	434	12	3,170	100
1994/95	558	10	312	5	3,458	62	658	12	602	11	5,588	100
1995/96	552	9	371	6	3,335	56	986	17	686	12	5,930	100
1996/97	595	9	458	7	2,955	45	1,215	19	1,302	20	6,525	100

[1] Includes data for only the final 6 months of the year. Source: NPB Regional Offices

Information about contacts with victims indicates that:

- most requests involve general information (30%) or notification of decisions/hearings (30%);
- most contacts with victims are in writing (55% - 60%), followed by telephone contacts (40% - 45%). Very few contacts with victims are in person;
- contact is made with the actual victim in 55% to 60% of cases, and with the family of victims in another 25% to 35%;
- victims of sexual offences are most likely to contact CSC/NPB (47% to 57%), followed by victims of non-sexual, violent offences (41% to 49%). Few victims (2% - 4%) contacting the Board were involved with non-violent cases.
- Most victims obtained information about CSC/NPB from victim service agencies or victim advocacy groups (38%), followed by the police (25%), friends or relatives (19%) and the courts (11%).

Information most frequently requested by victims included:

- notification about timing and location of release of offenders;
- how to contact the Board;
- the current location of the offender;
- general information about conditional release (eligibilities, types of release, etc);

F3

- how to provide information for consideration during NPB hearings;
- general information about criminal justice or corrections; and
- how to attend hearings or to gain access to the decision registry.

VICTIM FEEDBACK

Consistent with the commitment to openness and accountability, a survey was developed to examine how victims perceived their experience with NPB/CSC, and to gather information on how to improve assistance for victims. Survey results indicated that:

- 91% reported that the person they contacted was helpful;
- 79% reported receiving the information they requested;
- 71% of victims said the information received was timely, and 78% said it was easy to understand;
- 81% of respondents said they provided CSC or NPB with information about their victimization, and 36% provided formal victim impact statements.
- Some victims want more information on offender participation in treatment and related outcomes.
- Some victims would like to be able to speak at NPB hearings.
- Contacts with victims are resource intensive for NPB and CSC.

Victim-related Information From The Courts: Decision makers may not always have access to all information from victims. Victim impact statements are difficult to obtain, and are seen in only a small proportion of cases. They are often not sought from, or provided by victims, and when they are provided, their submission to the court is decided by the Crown Attorney. In a review of 227 files, victim impact statements were received in only 40 cases. There was no indication in the remaining cases (83%) as to whether such reports had been requested.

Victim Representations In CSC/NPB Decision-making: CSC respondents report that victim concerns are identified and addressed through community assessments, most commonly in family violence cases. This information would be available to case management staff and NPB. With respect to NPB, victims usually write expressing their concerns about the offender and frequently ask for the imposition of some type of "no contact" condition should there be a release. This information is shared with CSC. The focus on victim-related issues in Board member training has increased awareness of the value of information from victims in assessing risk, and of the importance of such a no contact condition, when required.

A review of additional conditions applied to all types of conditional release indicates that about 50% of releases had a condition to avoid certain persons. In the majority of cases this condition required the offender to avoid individuals with a criminal record. In at least 10% of cases, the offender had an additional condition to avoid contact with the victim(s) of his/her offence(s). At least 20% had an additional condition restricting relationships or contact with women and/or children generally.

Release of Treatment Related Information: The victims' survey, as well as contacts with victims indicate that many victims want to receive more information about the offender than is allowed under the Act, particularly treatment and program related information. Some victims apparently do not understand the legal limits to information that can be provided. This may be a reflection of the fact that the legal limits are not easy to explain, or understand. It may also reflect the fact that some victims may understand the legal limits but find them difficult to accept.

5.3.2 OBSERVERS AT HEARINGS

The observer provisions of the CCRA are intended to promote openness and accountability for conditional release decision-making, and increase public understanding of this decision-making process. Before the CCRA, NPB hearings were usually only attended by NPB and CSC participants, the offender, and any assistant designated by the offender. Occasionally, other persons were allowed to observe the hearing, but only if the offender agreed. The CCRA allowed the general public, including the victims of the offender, the media, and other interested parties to apply to attend NPB hearings. Further, the Act stated that the Board shall ... "permit a person who applies in writing to attend a hearing", with some stipulations to ensure the safety of all concerned and the effective conduct of the hearing.

SUMMARY OF FINDINGS

People seem increasingly conscious of the possibility of attending hearings, as the number of observers has increased. Very few applications to attend a hearing are denied. There appears to be more informed media coverage of actual Board decisions, which may reflect media access to the registry of decisions, as well as media use of the observer provisions. These trends should contribute to public understanding.

The accountability of the Board has been enhanced by the exposure to public scrutiny. Board members reported appreciating the opportunity for the public to become aware of the professionalism with which they approach decision-making, and to demonstrate thoroughness in conducting the hearing so the context of the decision and the factors taken into account were clearly understood by the observers.

While the potential exists for greater use of provisions for attending NPB hearings, the obstacles of institutional accessibility, cost, and commitment of time, together with the fact that the matters discussed at Board hearings can be emotionally painful for victims must be taken into consideration when considering the extent of use of these provisions.

The management of observers prior to, and at the hearing is resource intensive for NPB and CSC. Staff must escort and supervise visitors to ensure their safety, and provide thorough briefings of observers so they fully understand the context of the hearing, and the role of the Board and CSC in the conditional release process. Implementation of these provisions by both NPB and CSC staff appears to have been effective.

IMPLEMENTATION

Initially, these provisions caused some apprehension among offender advocacy groups and correctional authorities. Entitling people to attend NPB hearings because of interest in the case was new. In addition, some institutions experienced difficulty with the observer process due to the nature of buildings, issues relating to the movement of members of the public, and identification of appropriate space for members of the public.

Despite these concerns, the observer provisions of the Act have generally been well implemented by CSC/NPB and well received by people interested in attending Board hearings (e.g. victims, media). The observer provisions appear to be contributing to increased understanding of conditional release decision-making.

ATTENDANCE AT HEARINGS

Applications to observe hearings increased considerably from 1993/94 to 1995/96, before declining in 1996/97. The average volume of applications was about 800 per year. Most applications to attend hearings originated in the Ontario region (41%). The actual number of observers at hearings rose sharply from 1993/94 to 1995/96 (by 36%), before declining in 1996/97. The majority of observers were in Ontario.

TABLE 103 OBSERVERS AT HEARINGS												
	ATLANTIC		QUEBEC		ONTARIO		PRAIRIES		PACIFIC		NATIONAL	
	#	%	#	%	#	%	#	%	#	%	#	%
1993/94*	26	14	11	6	87	46	36	19	28	15	188	100
1994/95	91	17	28	5	236	43	118	23	50	10	523	100
1995/96	243	22	72	7	640	59	113	10	26	2	1,094	100
1996/97	61	9	91	13	357	51	140	20	56	8	705	100

* Only includes information for the last 6 months of fiscal year 1993/94.

Victims and victims groups have represented 40% of all observers at hearings. The media have accounted for 7% of the total number of observers. The remainder of observers (53%) involves other groups including students, judges, MPs, etc.

TABLE 104 TYPES OF OBSERVERS AT HEARINGS					
	1993/94	1994/95	1995/96	1996/97	TOTAL
MEDIA	13%	4%	9%	6%	7%
VICTIMS[1]	64%	39%	35%	40%	40%
OTHER[2]	23%	57%	56%	53%	53%

1 Includes victims, victims' families, members of victim advocacy groups

2 Includes students, judges, lawyers, MPs, public

Occasionally, the Board denies applications to attend a hearing; however, it is very much the exception (only five applications were denied in 1996/97). The legislation states that the Board shall allow applicants to attend, and sets out the reasons considered valid for denial. Essentially, they relate to privacy and security concerns, and to the ability to conduct the hearing in an effective manner.

Applications are denied most often because there is insufficient space to accommodate all applicants. Some hearings attract significant interest. Applicants exceed capacity, creating concerns about the ability of the Board to conduct the hearing in an effective manner. Numerous observers also create complex demands for institutional security. Applicants are, therefore, advised to apply to attend hearings as early as possible, and to inform the Board if they have a continuing interest in observing specific hearings to avoid denial.

Another reason for denial is lateness of the application. Applicants must be screened for security before being admitted to an institution. The institution and the offender must be notified, and the completed application must be approved. NPB and CSC have processed applications in very short time-frames (5 days or less), but this created uncertainty for the applicant, and confusion for the institution. As a result, the Board adopted a policy requiring applicants to apply 15 days in advance of the hearing day, except for persons who already have a valid security clearance. These applicants may apply until two days before the hearing. Age (under 18), failure to pass the security screening process, or information about the potential observer being disruptive have also led to denials. In all cases, reasons for denial are given to the applicant.

OPERATIONAL IMPACT

Briefing For Observers: NPB Community Liaison Officers manage the observer process for NPB. A significant part of their work involves providing comprehensive information on conditional release to build understanding of various types of release, eligibilities for release, and legal requirements. They also provide information about the general conduct of hearings, waiting requirements, and the routine observers can expect to encounter at the institution with respect to security measures. Even if the applicants choose not to attend, their knowledge of conditional release is enhanced.

Victim Participation At The Hearing: Some victims and victim advocacy groups assert that victims should be allowed to speak at Board hearings. NPB is examining this issue.

Influence On The Decision-Making Process: Hearings take longer. NPB tends to be more comprehensive in explaining the case to ensure clear understanding of decision-making. The movement of the observers between the hearing and waiting rooms adds time to the process.

Information From The Offender: The Board makes its decision about an application to attend an offender's hearing "after taking into account the offender's views" (S. 140(4)). Any objection raised by the offender must be related to the legislative grounds for exclusion. The offender no longer is able to veto attendance, and reluctance to have public exposure at a hearing is not a valid reason for exclusion.

Impact On The Offender: Feedback from some Board members indicates that the presence of observers has had an impact on the offender, making them more nervous. Comments suggested that sometimes the presence of observers impedes the flow of information, particularly in cases of inmates who have difficulty discussing personal issues. Other feedback indicated, however, that when victims were present, offenders appeared to be much more honest about the circumstances of the offence.

Waiving The Hearing: Some CSC staff believe that offenders waive their hearing when they are informed an observer may be present, and a few stated they knew cases where this had happened. Others commented that there is no effect, or that while offenders may object to the presence of observers they usually do not waive the hearing. Among respondents to the staff survey, 22% indicated they believed some offenders waived to avoid a specific observer, or any observers. Media representatives, victims, Members of Parliament and judges were mentioned as contributing to a decision to waive the hearing. Recent data indicate that about 12% of hearings with observers were waived; however, there are no indications that the presence of observers was the only factor contributing to these waivers.

Postponement: Offenders may request a postponement rather than waive their hearing. Although the Board frequently accepts the request, it recognizes that an offender may ask for a postponement, or create a situation leading to a postponement (e.g. assistant not present) to avoid observers, to discourage observers from applying again, or to show hostility towards the observers. Such a postponement frustrates observers who have given up the time and incurred costs to attend, and discredits the conditional release system. The Board has recognized the potential for this to happen, and has adopted a policy specific to last minute postponement which states that "If an offender requests a postponement for a valid reason ... but the Board has reasonable grounds to believe that the offender is using the reason in order to frustrate or control the system (e.g. to avoid having a hearing in the presence of an observer), the Board may proceed with the review despite the request for postponement, in order to avoid abuse of the postponement process."

Privacy Issues: Concerns about the privacy interests of offenders, CSC staff, and third parties providing information to the Board or CSC were raised in the legislative planning. In practice, the interest of the public generally outweighs these concerns, although in rare instances hearings may be closed. Victims who want to submit information to the Board for use in decision-making are told that all such information must, by law, be shared with the offender. Board members are trained to be conscious of privacy concerns, especially those surrounding third party information, and are encouraged to avoid using the names of such individuals when practicable during the hearing, employing generic references such as "the victim", or "your potential employer". Discretion is also used in writing the decision.

Facilities: The adequacy of hearing rooms and waiting areas for observers has been a concern. Board members and observers have indicated that some facilities were inadequate. For example, hearing rooms were too small to allow proper distances between participants and observers. Waiting areas were too small, especially when several observers with different interests in the case are present (e.g. media, victims and/or

supporters of the offender). Not being able to follow what is being said by the offender was particularly frustrating for observers at the hearing. Feedback from questionnaires distributed in 1995 indicated that about half of the respondents said the facilities were not adequate. Work is underway to address these concerns.

Disruption Of The Hearing: While there is minor disturbance when observers enter and leave the hearing room, this could not be considered a disruption. Only one incident (the victim in an incest case hit the offender) has been reported. This occurred shortly after the initiative began, and was quickly managed by CSC and NPB staff. The comprehensive preparation and briefing, the presence of staff with the observers, and the presence of institutional security staff when it is deemed appropriate, have minimized disruption.

5.3.3 NATIONAL PAROLE BOARD REGISTRY OF DECISIONS

The CCRA requires the Board to allow access by the public to its decisions through a registry of decisions. The decision registry is a means for increasing the openness and accountability of NPB decision-making, and for building public understanding of conditional release. The Act permits access to specific decisions, and access to decisions for research purposes.

For case specific applications, any person who demonstrates an interest in a case may, on written application to NPB, have access to the contents of the registry relating to the specific case, excluding information which would jeopardize the safety of a person, reveal the source of information obtained in confidence, or adversely influence the reintegration of the offender. For research purposes, people may apply to the Board for access to decisions and receive information after the decisions have been screened to remove all personal identifiers.

The legislative provisions did not define what the contents of the "registry of decisions" should be, or what would constitute demonstrating interest in a case. These determinations were left to the discretion of the NPB. In keeping with the concepts of openness and accountability, the Board chose to make available the complete risk assessment and decision-making documentation of Board members for each decision. NPB also decided that an individual would be considered to have demonstrated an interest in the case by writing to the Board to ask for access to the decision registry.

SUMMARY OF FINDINGS

Requests for this type of access to the registry have increased annually since 1993/94, and now exceed 1,600 per year. Almost half (47%) of case specific requests involve victims. Nationally, over 70% of all requests are processed by NPB within ten days.

The decision registry has increased the openness and accountability of the conditional release decision-making process. Through the registry, Board decisions are subject to close scrutiny by victims, the media and the public. Determining whether the registry has increased public understanding of conditional release is more difficult. There are indications, however, that media reporting of NPB decision-making, and conditional release in general, is more accurate, leading to better understanding by the public.

Responding to requests for access to decisions for research purposes has proved more complex than case specific requests due to data retrieval issues. This situation appears to be improving, however, with introduction of automated capacity for information retrieval and reporting.

BACKGROUND

The NPB makes approximately 30,000 decisions annually, all of which are potentially subject to a decision registry access request. The legislation does not provide a termination date for the registry of decisions so the number of decisions which must be available is accumulating constantly (e.g. about 135,000 since the CCRA).

Regional offices of NPB respond directly to applications for individual decisions in order to provide efficient service. Recently, the Board has been completing the documentation for many decisions at the hearing. Decisions are, therefore, frequently released the day of the hearing, or shortly thereafter.

TABLE 105 SUMMARY OF NPB DECISIONS[1]					
	1992/93	1993/94	1994/95	1995/96	1996/97
Federal					
· Pre-Release	19,755	21,465	21,888	19,176	16,811
· Post-Release	12,035	8,927	8,804	8,300	8,209
· Detention	529	651	835	1,003	1,084
	32,319	31,043	31,527	28,479	26,104
Provincial					
· Pre-Release	1,139	1,200	1,265	931	815
· Post-Release	202	228	222	204	117
Total	**33,660**	**32,471**	**33,044**	**29,614**	**27,036**

Source: OMS [1]Excludes Appeal Decisions

ACCESS TO THE DECISION REGISTRY

Case Specific Requests: Requests for access to the decision registry have two elements: the number of requests; and the number of decisions sent in response to requests. Inconsistent recording-keeping has resulted in considerable under-reporting of case specific requests for access to the registry. Nevertheless, available information provides indications of trends in access to the decision registry.

Table 106 ACCESS TO THE DECISION REGISTRY - CASE SPECIFIC REQUESTS										
Description	**1993/94[1]**		**1994/95**		**1995/96**		**1996/97**		**Total**	
	#	%	#	%	#	%	#	%	#	%
Victims	233	53	522	51	635	46	719	44	2109	47
Media	87	20	258	25	448	32	586	35	1379	31
Other[2]	117	27	240	24	309	22	344	21	1010	22
Total Requests	**437**	**100**	**1020**	**100**	**1392**	**100**	**1649**	**100**	**4498**	**100**
Decisions issued	**361**		**1286**		**1855**		**1849**		**5340**	

Source: Regional Database

1 Includes information for only the last 6 months of the fiscal year

2 Includes the offender's family or assistant, members of victims' groups, and students.

The number of people requesting access to the registry has increased steadily (by over 60% from 1994/95 to 1996/97). Victims are the most frequent users of the registry (47%), followed by media representatives (31%). Media usage has increased in recent years. Decisions issued exceed requests, illustrating the Board's policy of providing those who request a decision about an offender with subsequent decisions about the offender if wanted. Victims who seek information about an offender typically want all the information they can obtain on that offender. Those who contact the Board are routinely sent information about accessing the decision registry which can provide them with an additional source of information. A review of performance information indicates that from a national perspective, more than 70% of requests for access to the decision registry are processed within 10 days, and in 4 of 5 regions the response rate within 10 days exceeds 80%.

Research Requests: There have been 14 requests for access to the registry for research purposes. Since all personal identifiers are removed from decisions used for research purposes, offenders may have access (four offenders have applied). Limited public knowledge about the size and complexity of the decision registry can lead to requests which are difficult to fulfill without further definition by the applicant. For example, one request involved 15,000 decisions. Another specified a level of detail in decision-making which could not be identified for retrieval. In such instances, the researcher may be contacted by Board staff to clarify the request, or to discuss the best way to respond.

TABLE 105 SUMMARY OF NPB DECISIONS[1]					
Federal	**1992/93**	**1993/94**	**1994/95**	**1995/96**	**1996/97**
· Pre-Release	19,755	21,465	21,888	19,176	16,811
· Post-Release	12,035	8,927	8,804	8,300	8,209
· Detention	529	651	835	1,003	1,084
	32,319	31,043	31,527	28,479	26,104
Provincial					
· Pre-Release	1,139	1,200	1,265	931	815
· Post-Release	202	228	222	204	117
Total	**33,660**	**32,471**	**33,044**	**29,614**	**27,036**

Source: OMS [1]Excludes Appeal Decisions

ACCESS TO THE DECISION REGISTRY

Case Specific Requests: Requests for access to the decision registry have two elements: the number of requests; and the number of decisions sent in response to requests. Inconsistent recording-keeping has resulted in considerable under-reporting of case specific requests for access to the registry. Nevertheless, available information provides indications of trends in access to the decision registry.

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[2] Includes the offender's family or assistant, members of victims' groups, and students.

The number of people requesting access to the registry has increased steadily (by over 60% from 1994/95 to 1996/97). Victims are the most frequent users of the registry (47%), followed by media representatives (31%). Media usage has increased in recent years. Decisions issued exceed requests, illustrating the Board's policy of providing those who request a decision about an offender with subsequent decisions about the offender if wanted. Victims who seek information about an offender typically want all the information they can obtain on that offender. Those who contact the Board are routinely sent information about accessing the decision registry which can provide them with an additional source of information. A review of performance information indicates that from a national perspective, more than 70% of requests for access to the decision registry are processed within 10 days, and in 4 of 5 regions the response rate within 10 days exceeds 80%.

Research Requests: There have been 14 requests for access to the registry for research purposes. Since all personal identifiers are removed from decisions used for research purposes, offenders may have access (four offenders have applied). Limited public knowledge about the size and complexity of the decision registry can lead to requests which are difficult to fulfill without further definition by the applicant. For example, one request involved 15,000 decisions. Another specified a level of detail in decision-making which could not be identified for retrieval. In such instances, the researcher may be contacted by Board staff to clarify the request, or to discuss the best way to respond.

Capacity to manage all decisions in a single location for research purposes has been problematic. Implementation of a search and retrieval system to allow retrieval by key characteristics such as offence type, has only recently been developed for decisions made before December 1995. The introduction of OMS in 1993 allowed the Board to identify groups of cases, and then retrieve decisions in OMS from that system.

IMPACT ON OPENNESS

The registry of decisions has increased the openness of the conditional release decision-making process. Impact on public understanding of conditional release is more difficult to determine. Detailed reports in the media about Board decisions, often including specific information about the assessment of the case, are increasingly common, indicating that information from the registry may be having an impact. Prompt access to Board decisions in cases with considerable public interest is a valuable resource for the media, for the Board, and for conditional release in general. Media coverage which indicates the type of factors taken into consideration by Board members, the type of programming available for offenders both in institutions and the community, the different kinds of conditional release available to offenders, and the range of options for release, can help to inform the public, and provide a better understanding of the complexity of the system.

PRIVACY ISSUES

The accessibility of decision documentation has been of concern to the Privacy Commissioner[1], to offenders, and offender advocacy groups. The Board attempts to alleviate these concerns through screening of information and Board member training. The Privacy Commissioner has also objected to the Board sending decisions by FAX, which is a frequent practice in response to media requests. FAX response to media requests assists in the provision of prompt, timely, and accurate information to reporters. Since some or all of the decision information may be published, dissemination by FAX has been continued.

NPB staff review decisions in relation to the exclusion criteria in ss. 144(2) of the *Privacy Act* when there has been an access request. In some cases, information is excluded. In 1996/97 for example, some information was excluded in 25% of decisions (460 of 1849). When observers are present at a hearing, however, the law specifies that information taken into consideration at the hearing cannot be excluded from the decision. This provision has considerable impact on the ability of the Board to apply exclusions. Many cases which attract requests for access to the decision registry are high-profile violent cases. It is this type of case which is most likely to have observers present, thereby making the decision accessible without exclusions.

The legislative provision for a registry of Board decisions, and the commitment of the Board to respect the spirit of openness by releasing the full decision documentation has led NPB to emphasize careful documentation in Board member training. Board member training points out that Board decisions are available to the public, and that sensitive and/or confidential information discussed at the hearing may not be able to be withheld if it is documented in the decision. Board members are advised to examine whether specific references need to be recorded in their reasons, or whether the necessary information can be conveyed to the offender without such references.

Careful documentation of sensitive or third party information is recognized as a continuing concern, is a fundamental part of initial training on decision documentation, and is reinforced in on-going training. In some cases, however, Board members may believe such references are essential to making their decision complete and understandable.

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[1] The Commissioner stated that information in the registry of decisions should be depersonalized in his Submission by the Privacy Commissioner of Canada on Bill C-36, the Corrections and Conditional Release Act, Standing Committee on Justice and Solicitor General (1992). His staff continue occasionally to express concern about the contents of the decision registry.

5.3.4 EMPLOYEE PROFESSIONALISM

The CCRA recognizes the crucial role of qualified, well trained and motivated employees in efforts to achieve excellence in corrections and conditional release. For CSC, the Act requires that staff members be properly selected and trained, and be given:

- appropriate career development opportunities;
- good working conditions, including a workplace environment that is free of practices to undermine a person's sense of personal dignity; and
- opportunities to participate in the development of correctional policies and programs.

With respect to NPB, the Act emphasizes the need for appropriate policies to support decision making by Board members and the training necessary to implement these policies. These requirements have generated extensive activity in CSC and NPB to ensure effective processes for selection of employees, training and continuous learning, performance assessment, and enhanced quality of work life.

SUMMARY OF FINDINGS

Consistent with the CCRA, both CSC and NPB have taken steps to develop and sustain professionalism in the workforce. Rigorous selection processes accompanied by post-selection training, development and continuous learning characterize the human resource strategies for both organizations.

CSC has launched its career management program as a key element of measures for professionalism. This program is supplemented by work in CSC staff colleges to provide meaningful, relevant training in key areas such as risk assessment and risk management.

In NPB, extensive work has been completed to improve the selection process and criteria for Board members. In addition, Board member training was reviewed and adapted to focus on the latest knowledge related to risk assessment. The Board also developed a Code of Conduct for Board members and implemented an annual performance appraisal process for members which focuses on quality of decision-making.

CORRECTIONAL SERVICE OF CANADA

CAREER MANAGEMENT PROGRAM (CMP)

Many successful organizations have adopted a continuous learning environment that welcomes change as a stimulus for creativity and improvement, and offers scope for individual growth and organizational adaptation. Effective career management is considered a cornerstone for such a learning culture, and for encouraging personal excellence, and professional growth. This human resource strategy also provides an edge for attracting and retaining talented people.

CSC's Career Management Program reflects a continuous learning approach involving job enrichment, lateral movement, career redirection, changes in responsibilities, and upward progression for employees working in correctional operations in institutions and the community. The process clarifies for employees what they must accomplish through on-the-job assignments, and self-study to qualify for promotion.

The CMP has been designed to streamline the traditional staffing process through well defined measures for career development and qualification to level. The staffing process is quicker and also offers a variety of developmental opportunities for employees interested in competitions and transfers. It removes obstacles to choosing a career path in CSC and facilitates career progression.

Self-study materials are provided for employees, combined with developmental opportunities before the employee participates in the competitive process. Employees are also provided with performance standards,

and qualification standards that comprise the base of evaluation for the competitive process. Participation in the program is voluntary, however, staff are encouraged to participate for their own benefit, as well for the benefit of CSC. The career management program has several key elements:

- performance standards;
- performance evaluation reports;
- qualification standards;
- qualification to level training and development;
- qualification to level exam process;
- personal development plan;
- coaching;
- assessment of potential;
- competition;
- merit rating board; and
- eligibility lists.

Effectiveness: One aspect of effectiveness for the CMP involves transferability of exam results. Since 1992, there have been 712 transfers of exam results between selection processes. Transferability of results has been challenged by unsuccessful candidates in 22 appeals. None have been upheld. The transferability of results has proved a useful tool for human resource management.

In 1995 a study of CSC staff was conducted to assess the effectiveness of the CMP. The study involved a series of 34 structured interviews and six focus groups. The discussions focused on the components of the CMP, as well as CMP processes and their ability to provide the service with the qualified and trained staff to meet current and future human resource needs. The study confirmed that CMP has produced several significant results including:

- the development and implementation of standardized permanent posters, qualification standards and assessment tools. This has produced yearly savings of $320,000 to $360,000 since implementation in 1993. Savings will grow as the CMP is expanded to more positions.

- the Qualification-to-Level process has allowed integration of the recruitment, selection and training process for Correctional Officer (CO) positions to be re-engineered. The new CO1 selection and training process will result in an annual saving of between $1.8 to $3 million.

- validated selection tools, standardized rating guides, and a mandatory assessor certification program have minimized appeals since CMP implementation, resulting in yearly savings of $600,000 to $800,000.

- the Qualification-to-Level selection process, which emphasizes transparency, has increased the credibility of the staffing process. This is reflected in the decline in the number of staffing appeals (by 37%) over the last 3 years.

- validated Qualification Standards reflecting the required competencies for operational positions appear to have increased the confidence of managers and staff in the ability of the staffing process to select the most qualified individual(s).

- Performance Evaluation Reports (PER) have been well received by staff, and have increased the importance of maintaining effective performance, in their current position.

STAFF TRAINING

CSC operates five regional staff colleges to meet training requirements, staff development and continuous learning needs. A large portion of the resources in staff colleges is dedicated to induction of new correctional officer recruits. The induction program for correctional officer recruits is ten weeks in length, and is a combination of classroom instruction and self-directed learning. On average, 350 recruits per year receive this training. In 1996/97, 800 recruits were trained as a result of hiring of casual correctional officers.

Basic case management is another important training program delivered by staff colleges for newly appointed case management officers. Over the last five years, an average of 200 staff per year have received this training. In 1996, CSC enhanced the training program for case management officers, emphasizing supervision, intervention focussing on risk assessment, and risk management. Work is also underway to develop corporate training initiatives including:

- executive leadership;
- middle management development;
- multi-media computer-based training;
- redesign of the correctional training program;
- continued development of the CSC and the Law series.

ANTI-HARASSMENT

Program and Policy: Since its creation in September 1989, the CSC Anti-Harassment program has been an integral part of the Service's continuing efforts to ensure a workplace environment that is free of practices that undermine personal dignity. The main objective of the program is to develop a work environment characterized by openness, trust and mutual respect.

CSC has an anti-harassment policy which promotes an understanding of what is considered appropriate workplace behaviour. It aims to help all employees work without impediments, and to assist managers to manage both humanely and efficiently. The accompanying "Redress Guidelines" provide the means to resolve issues and complaints in a fair and expeditious manner. The policy places emphasis on:

- encouraging employees to use a problem solving process to resolve their differences in advance of other forms of redress to solve harassment situations;

- the requirement that all staff receive anti-harassment awareness training; and

- ensuring that the time between receiving a request for investigation of a complaint and notifying the parties of the results does not exceed 30 working days.

Each region has an anti-harassment co-ordinator to help managers, supervisors and employees understand the policy and promote communication and conflict resolution. The Service has also conducted several in-depth studies on this issue and identified methods for the prevention and handling of incidents of harassment.

Operations: Harassment in the workplace continues in CSC despite a vigorous anti-harassment awareness program. The survey of male and female staff in the Ontario region indicates that 52% of males and 56% of females believe that they have experienced harassment during their career with CSC. In addition, 29% of males and 36% of females believe that they are currently being harassed in the workplace. The latest report concludes that fear of retribution, reprisal, and career implications are the major obstacles toward achieving a work environment free of harassment.

Over the past three years there has been an increase in the number of active complaints, which reflects findings from the first staff survey, where 72% of respondents indicated a willingness to report harassment. At the end of 1996/97 there were 73 active complaints, compared with 23 complaints at the end of 1994/95.

CSC has adopted a position of zero tolerance towards those demonstrating behaviour involving harassment or discrimination. Continuing efforts are being made to educate and sensitize employees to CSC anti-harassment policies. Plans have been established to ensure that all staff receive refresher training as part of an ongoing anti-harassment training cycle. CSC is also committed to the development of a range of dispute resolution options by having selected staff in each region trained to mediate harassment complaints as well as engaging

the services of professional mediators from within and outside the public sector. In addition, CSC is working closely with central agencies such as the Public Service Commission and Canadian Human Rights Council to resolve complaints as quickly and fairly as possible.

NATIONAL PAROLE BOARD

CODE OF CONDUCT

The Board has developed a code of Professional Standards and Conduct for Board members. This code supports the principles of openness, professionalism, and accountability. The code represents the members' individual and collective acceptance of standards of conduct appropriate to officials who have responsibility for decisions that directly affect the interests and safety of the entire community, as well as individual offenders, victims and their respective families.

SELECTION PROCESS AND CRITERIA

NPB has implemented a more open and accessible selection process and revised criteria for Board members in order to acquire qualified candidates.

PROCESS

- Notice of vacant positions posted in the Canada Gazette;
- Applications reviewed by the Chairman to identify the most qualified candidates, based on set criteria;
- List of potential candidates prepared for Minister's review and recommendations;
- Interviews held with candidates;
- Recommendations sent to the Minister and the Prime Minister's office for review; and
- The names of successful candidates sent to the Governor-in-Council for appointment.

CRITERIA

Criteria emphasize understanding of, and commitment to criminal justice and conditional release, as well as objectivity and professionalism in assessing and managing complex and sensitive information. Candidates must demonstrate the ability to analyse verbal and written communication, manage confrontational situations, and render and write concise and well founded decisions reflecting their assessments of risk.

TRAINING AND DEVELOPMENT PROGRAM

The Board member training and development program provides members with the knowledge and skills to perform their responsibilities; improve the administration of the decision-making process; promote fair and efficient management of hearings and cases; and promote Board members' adherence to the highest ideals of professional conduct and fairness. An extensive training program is provided upon appointment to the Board followed by refresher training and continuous learning opportunities.

Introductory Reading Package: This package is the first stage of NPB training and provides an overview of delinquency and criminality, risk assessment and risk management, and the Canadian criminal justice system. It is anticipated that when Board members arrive for their orientation training, they will be conversant with this package and ready to start their training on the Board's legislation, decision-making policies and procedures, and the risk assessment process.

Risk Assessment Orientation Level I: This training phase consists of in-office training complemented by observation at hearings, visits to institutions, halfway houses and parole offices. The focus is on assisting

Board members to develop an understanding of their responsibilities. Training provides new Board members with the opportunity to develop an awareness of the hearing process and to start reviewing cases with assistance from an experienced Board member. New Board members, with the support and coaching may render office votes during this phase. Risk Assessment Orientation Level I consists of 15 days of intensive training with emphasis on: the risk assessment process; the legislation and policies governing corrections and conditional release; the duty to act fairly; the decision making process; and the skills necessary to conduct focused hearings and to document concise quality decisions.

Members complete an end-of-session decision exercise to assess and reinforce their knowledge of the legislation, policies and risk assessment principles, as well as their skills in focusing a hearing and documenting a decision. The Regional Manager, Community Relations and Training (RMCRT) and the Regional Vice-Chairperson (RVC) review, with each new member, the knowledge, skills, and abilities that they have developed during this training period, identifying areas that need reinforcement, and developing a training plan to address these areas.

Risk Assessment Orientation Level II: This stage of training features on the job experience, offering Board members the opportunity to integrate knowledge and skills developed in Level I Training with key NPB decision processes. The time required to complete this stage varies, and is influenced by the frequency with which members vote on cases. During this stage, new Board members always vote on cases with experienced Board members.

Level II Training concentrates on: partnership with the community; the conditional release decision-making framework with emphasis on legislation and policy related to detention and accelerated parole review; risk assessment and risk management issues with special attention to violent recidivism such as sexual offending and family violence; Aboriginal justice issues; and the clemency and pardons processes.

Training in this phase is intended to provide the opportunity to develop the required knowledge to render professional and fair decisions, the skill to document fully the rationale for decisions, and the techniques to manage a focused, non-adversarial hearing. During this phase of training, the Vice-Chairperson of the relevant division and the RMCRT provide regular feedback to Board members on their performance.

Training Effectiveness Assessment: The regional Vice-Chairperson reviews with the Board members their performance during this training phase, and formally completes the performance appraisal. In this appraisal, the Vice-Chairperson identifies performance areas which require additional training. Individual developmental plans are then created.

On-going Developmental and Refresher Training: After initial training, opportunities are provided for training and development to enhance performance related to: changes in law, policies and procedures; refinement of decision documentation; incident and crisis management skills; communications skills; team building skills; and computer skills. The Board strives to create an environment of continuous learning by involving Board members in team projects, planning sessions and a range of formal and informal opportunities to learn including videotapes, special case inquiries, and the results of appealed decisions.

Performance Appraisal Process: Annually, or more frequently if necessary, the Vice-Chairperson of the region discusses with each Board member his/her professional conduct and quality of decision-making through the performance appraisal process. This process provides the opportunity to identify with each member, developmental training needs and the plan necessary to meet these needs.

BOARD MEMBER PROFILE

- 94% of Board members have post-secondary education, 82% have experience in criminal justice and 60% had direct experience with corrections and conditional release, prior to appointment.

- 42% of Board members were or are currently employed (part-time Board members) within the criminal justice system as lawyers, police officers, probation officers, etc. Another 15% were or are employed in the social service or educational systems.

- 41% of Board members are women, 60% are English speaking and 40% are bilingual.

- 12% of Board members are Aboriginal in origin. An additional 4% represent a visible minority.

TABLE 107
EDUCATION AND EXPERIENCE - NPB MEMBERS

Region	Education			Experience	
	Secondary	College	University	Corrections	Criminal Justice
National Office	0	0	5	2	5
Atlantic	1	1	10	7	8
Quebec	1	1	14	7	11
Ontario	0	2	17	12	18
Prairies	2	3	14	14	15
Pacific	1	1	12	9	13
Total	**5**	**8**	**72**	**51**	**70**
Percent	6%	9%	85%	60%	82%

TABLE 108
DEMOGRAPHIC ASPECTS - NPB MEMBERS

REGION	GENDER		LANGUAGE			ABORIGINAL	VISIBLE MINORITY
	Men	Women	Eng.	French	Both		
National Office	2	3	1	0	4	0	0
Atlantic	9	3	7	0	5	2	0
Quebec	13	3	0	0	16	0	1
Ontario	8	11	15	0	6	1	2
Prairies	9	10	18	0	1	5	0
Pacific	9	5	12	0	2	2	0
National Total	50	35	53	0	34	10	3
Percent	59%	41%	60%	0%	40%	12%	4%

Source: NPB Human Resource data base

- 42% of Board members were or are currently employed (part-time Board members) within the criminal justice system as lawyers, police officers, probation officers, etc. Another 15% were or are employed in the social service or educational systems.

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Ontario	8	11	15	0	6	1	2
Prairies	9	10	18	0	1	5	0
Pacific	9	5	12	0	2	2	0
National Total	50	35	53	0	34	10	3
Percent	59%	41%	60%	0%	40%	12%	4%

Source: NPB Human Resource data base

5.4 FAIR PROCESSES, EQUITABLE DECISIONS

The CCRA formalizes longstanding practices for supporting fair processes and equitable decisions related to offenders. Through the purpose and principles of the Act, the legislation also seeks to develop and support organizational respect for the law, and the duty to act fairly. Discussion of fairness and equity addresses legislative reform in 8 key areas:

- administrative segregation;
- urinalysis;
- inmates' input to decisions;
- offender grievance processes;
- search and seizure;
- inmate discipline;
- information to offenders; and
- The Correctional Investigator (OCI).

5.4.1 ADMINISTRATIVE SEGREGATION

The CCRA provides CSC with the authority to use administrative segregation to keep inmates from associating with the general inmate population where there is evidence that it would jeopardize the safety and security of the institution or of any individuals (staff and inmates). The Act highlights the procedural safeguards which must be in place for the admission, review, and discharge from administrative segregation. The CCRA also indicates that the use of administrative segregation should be minimized, and that efforts must be taken to return the inmate to the general population at the earliest appropriate time.

Under the CCRA, any decision to place or maintain an inmate in administrative segregation can be justified only if there are reasonable grounds to believe that one of the following three conditions exists, and only then as a last resort after all other options have been considered, and no reasonable alternative to administrative segregation exists:

1) *the inmate (i) has acted, has attempted to act or intends to act in a manner that jeopardizes the security of the penitentiary or the safety of any person, and (ii) the continued presence of the inmate in the general inmate population would jeopardize the security of the penitentiary or the safety of any person;*
2) *the continued presence of the inmate in the general inmate population would interfere with an investigation that could lead to a criminal charge or a charge, under subsection 41(2), of a serious disciplinary offence; or*
3) *the continued presence of the inmate in the general inmate population would jeopardize the inmate's own safety.*

These three criteria for segregation are not punitive, but preventive. The grounds for placement in, and continuance of administrative segregation were designed to allow CSC to prevent altercations, harm, or interference with certain investigations. These provisions were not intended to be used to circumvent the inmate disciplinary provisions.

As administrative segregation is not a punitive process, segregated inmates must be given the same rights, privileges and conditions of confinement as the general inmate population except for those that can only be enjoyed in association with other inmates, and that cannot reasonably be provided because of the limitations specific to the administrative segregation area, or because of security requirements.

In April 1996, the Arbour Commission released its report concluding that CSC had a culture that did not respect the rule of law, and that the management of administrative segregation should be subject to judicial supervision, or to independent adjudication, as an alternative. In response to the Arbour Report, CSC established the *Task Force to Review Administrative Segregation*. The Task Force also addressed issues relevant to the CCRA 5-Year Review.

SUMMARY OF FINDINGS

CSC appeared to experience difficulties in applying provisions regarding administrative segregation in a manner which reflected the letter and the intent of the CCRA. Issues of non-compliance with the law were identified by the Arbour Commission, and confirmed by the preliminary findings of CSC's Task Force on Administrative Segregation.

As a result of these findings, and the work of the Task Force, CSC launched numerous initiatives to improve the level of legal compliance, and the effectiveness of the process for administrative segregation. These initiatives appeared to yield positive results and early progress. In 1997, a comprehensive audit was conducted to ensure that the operation of the administrative segregation units was in compliance with basic procedural requirements of law and policy. The results of this audit indicated an overall pattern of compliance for CSC. Work continues to improve performance in this area.

DESCRIPTIVE ANALYSIS

The population in administrative segregation was monitored between September, 1996 and February, 1997, to identify the number of segregated inmates, their status (voluntary and involuntary), the duration of their stay, and the reason for their segregation. Data were taken from the Offender Management System (OMS). On February 2, 1997, there were 722 inmates in administrative segregation.

Aboriginal and Women Offenders: Of the 722 inmates in administrative segregation, 113 (15.7%) were Aboriginal males and 5 (0.7%) were women (including 3 Aboriginal women). These two groups represent 15% and 2% respectively of the inmate population.

Reason for Segregation: Half of the inmates (49.6%) were in voluntary segregation. Over half (54%) of those in administrative segregation were placed there under Section 31(3)(c) of the CCRA ("inmate's own safety"). A further 42% were segregated under Section 31(3)(a) of the CCRA ("jeopardize the security of the penitentiary or the safety of any person"). The remaining 4% were segregated under Section 31(3)(b) of the CCRA ("interfere with an investigation that could lead to a criminal charge or a charge ... of a serious disciplinary offence").

Length of Stay: About three-quarters (76%) of the inmates in administrative segregation had been there for less than 90 days. For the 24% who had spent more than 90 days in segregation, the only alternative to confinement identified for most was a transfer. In some cases, even this was difficult considering the number of 'incompatibles' that some inmates have in institutions across the country. In addition, some inmates (12% of the sample) did not wish to be reintegrated into the general inmate population. (These should be added to the 49.6% in voluntary segregation).

Criminal History: Segregated inmates had different criminal histories than non-segregated inmates. They had more prior involvement with the criminal justice system as young offenders, and as adult offenders. They had been segregated more often for disciplinary reasons during previous prison terms, had higher rates of escape, had higher rates of recidivism, and stayed out of prison for shorter periods of time.

TABLE 109
INMATES IN ADMINISTRATIVE SEGREGATION: CRIMINAL HISTORY

Variables	Segregated	Not Segregated
Youth court	59%	41%
Adult court	90%	84%
Disciplinary segregation	47%	24%
Escape	39%	24%
Failure on conditional release	54%	37%
Less than 6 months since last incarceration	38%	21%

Source: OMS

Risk/Need: Segregated inmates were higher-risk inmates than non-segregated inmates. They were more likely to reoffend than their non-segregated counterparts. Segregated inmates were higher-need offenders than non-segregated inmates in six of the seven need categories assessed at admission. They were more likely to experience difficulties than non-segregated offenders in the following need areas:

- employment (e.g. less than grade 10, lacking skills, trade or profession, unemployed at time of arrest, unemployed more often, unstable job history);
- associates and social interaction (e.g. socially isolated, association with substance abusers and criminal acquaintances, easily influenced by others, difficulty in communicating with others);
- substance abuse (e.g. abuse of alcohol and drugs, abuse of alcohol and drugs at an early age);
- community functioning (e.g. unstable accommodations, financial difficulties);
- personal/emotional orientation (e.g. cognition problems, poor conflict resolution skills, low frustration tolerance, hostility, thrill-seeking, non-reflection, manipulative); and
- attitude (e.g. negative attitudes toward criminal justice system, pro-criminal attitudes, view interpersonal relations as having no value, disrespectful to personal belongings).

Voluntarily and involuntarily segregated inmates had very similar risk/need profiles. Voluntarily segregated inmates, however, were more likely than their involuntary counterparts to have previously served provincial prison terms (86% vs. 77%), to have a sexual offence history (27% vs. 18%), and to have often been victimized in social relations (30% vs. 18%).

TASK FORCE TO REVIEW ADMINISTRATIVE SEGREGATION

Attitude Towards The Rigour Of The Law And CSC Policies: The preliminary assessment of the Task Force appeared to confirm Arbour Commission findings that CSC did not fully appreciate the obligation to comply rigorously with legislation and policy in managing administrative segregation. The following were identified as areas requiring action:

- Use of segregation consistent with legislative criteria. (e.g. some inmates remained segregated for a longer time because they were awaiting a transfer to another institution). On occasion, segregation had been used as punishment.
- Recognition that the time frames governing daily exercise, written disclosure notice, and scheduling of hearings were regulatory provisions rather than procedural guidelines.
- Improved efforts to inform inmates of their legal rights and privileges with respect to administrative segregation and conditions of confinement.
- Enhanced awareness of Aboriginal rights under the law, such as access to Spiritual Leaders and Elders, and spiritual ceremonies (e.g. sweat lodges).
- Greater access to programs and recreational activities, and more consistent application of policy regarding access to personal effects.
- More accurate record keeping to support demonstration of legal compliance.

Effectiveness: The issue of effectiveness extends beyond compliance to ensuring that the intent of the law is followed, and that administrative segregation is used only when no other alternative can be found. Release from administrative segregation must occur at the earliest possible opportunity to the least restrictive correctional environment possible. Ineffectiveness then, results in offenders being segregated for unnecessarily long periods. In this context, the Task Force observed that:

- institutional alternatives to segregation were not fully explored. Reintegration plans for release from administrative segregation were not promptly developed, and not sufficiently detailed.
- options for reintegration were usually limited to transfers from the institution - a process that was cumbersome, and frequently unsuccessful given inter-regional considerations; and

- most regional reviews were not providing appropriate solutions for reintegration.

Organizational Understanding And Values: The purpose of administrative segregation, as outlined in the *CCRA*, was not well understood by CSC personnel. Several observations indicated that the perception of CSC personnel regarding the use of administrative segregation, did not match the principles in the law. In addition, feedback from staff regarding offenders who request to be segregated, demonstrated that the purpose of administrative segregation was misunderstood. There were beliefs by staff that if CSC makes it too "comfortable" for offenders in administrative segregation, inmates will "check in". The strategy to combat this problem was to limit how "comfortable" CSC makes it for protective custody (voluntarily segregated) inmates. The Task Force found that this deeply held belief, common to all levels of the CSC, placed personnel in conflict with one of the basic principles of the law.

Task Force Recommendations: The Task Force made numerous recommendations to ensure procedural and substantive compliance with the law, that respect for the law is entrenched in correctional operations, and that the needs of women and Aboriginal offenders are addressed. In particular, the Task Force noted that a better understanding of the impact of segregation on women should be developed. The multi-purpose use of "enhanced units" in women's facilities should be examined in the context of protecting the residual rights and freedoms of women who are being housed in these units for different reasons. The best practices being adopted to mediate situations as an alternative to administrative segregation should be explored. Extensive work is underway to implement action plans that have been developed in response to Task Force recommendations.

RESULTS OF AUDIT

A comprehensive audit was conducted in January and February 1997 to determine if the operation of segregation units was in compliance with basic procedural requirements of the law, regulation and policy. A significant improvement in CSC's compliance with the law was recorded. At the time of the preliminary assessment in the summer of 1996, compliance issues were systemic across all regions and in almost every aspect of the administrative segregation process. The results of this formal audit, however, combined with the implementation of corrective action plans, indicated an overall pattern of compliance.

MANAGEMENT ACTION

In April 1997, CSC endorsed the Task Force recommendations. Major initiatives to respond to many of the recommendations have been launched. Training has been provided for staff on the management of administrative segregation in the context of the law. Training has also been developed for chairpersons of Segregation Review Boards on the conduct of fair hearings. An Administrative Segregation Handbook has also been developed to support and sustain training.

Program interventions have been introduced to divert inmates from segregation, and accelerate the return of segregated inmates to the general inmate population. Steps are being taken, for example, to reduce the number of long-term segregated inmates (i.e. for more than 120 days). Institutions have been directed to review the cases of the inmates and find inter-regional transfer options to return them safely to the general inmate population or to a less restrictive environment than administrative segregation.

A research project has been launched to determine the negative implications associated with the experience of segregation and to develop intervention strategies designed to reduce risk of mental health deterioration of inmates who are placed in segregation. The Offender Management System (OMS) has been revised and now fully supports users in their work of making and documenting segregation decisions, from placement to release, in the context of the CCRA.

Introduction of independent adjudication is not supported within CSC. Rather, the service is working to address the root causes of problems that had developed with administrative segregation.

5.4.2 SEARCH, SEIZURE AND INMATE DISCIPLINE

The CCRA provides an enabling framework, definition, and guidelines for search, seizure and inmate discipline in federal institutions. The Act establishes the mandate for inmate discipline, describing the purpose of the disciplinary system as to encourage inmates to conduct themselves in a manner that promotes the good order of the penitentiary. The Act places an overall emphasis on providing a disciplinary system that is fair, objective and geared to the resolution of disciplinary issues in the least restrictive manner, consistent with safety of the institution.

Legislative provisions describe the disciplinary procedures to be followed to ensure that inmates are treated fairly throughout the process, and indicate that staff members must take all reasonable steps to resolve an alleged disciplinary infraction in an informal manner. The Act identifies a process for an institutional head to issue a charge for a minor or serious disciplinary offence, and highlights the steps to be taken to ensure that the process respects the duty to act fairly. The Act lists the sanctions which can be imposed if an inmate is found guilty of a disciplinary offence.

The Act also outlines the circumstances under which a person can be found guilty of a summary conviction, including possession of contraband beyond the visitor control point in a penitentiary, delivery of contraband to, or receipt of contraband from, an inmate, and trespassing at a penitentiary.

The CCRA defines the various types of searches including routine, non-intrusive searches, frisk, strip and body cavity searches, prescribing circumstances and procedures for the conduct of searches. The Act authorizes the search of cells, visitors, vehicles, and staff members, provides the power to seize evidence and contraband, and to search community residential centres. The Act also creates a requirement to prepare reports.

SUMMARY OF FINDINGS

Implementation of CCRA provisions respecting search, seizure and inmate discipline are complex, requiring detailed policy and procedure to support adherence to the duty to act fairly. CSC policy, for the most part, provides a meaningful framework for implementation of the Act. CSC staff demonstrated understanding of various types of search and related procedures. Data from inmate complaints or grievances related to searches tend to substantiate these findings. A very small proportion (less than 1%) of searches involved a complaint or grievance by the offender. For those searches that did involve a complaint or grievance, 80% were not upheld.

In general, staff in CSC demonstrated understanding of law and policy regarding searches. Difficulties that did arise involved the concepts of "reasonable grounds" and "suspicion". CSC is addressing these issues through staff training and development of reference materials. With respect to the seizure and handling of contraband, legislative provisions appear to have been implemented as intended. Overall, CSC staff demonstrated understanding of the law and respect for compliance. Issues that did arise tended to involve procedural uncertainty and reporting formats and requirements. CSC is working to resolve these issues.

Implementation of law regarding inmate discipline appears to have been consistent with legislative intent. CSC is attempting, in all regions, to resolve inmate discipline issues informally as recommended in law, consistent with safety and security of the institution. For the most part, inmate discipline has respected procedural fairness and compliance with the law.

Timeliness is a key aspect in the administration of the inmate disciplinary provisions. Data indicate that CSC deals with the disciplinary process in a timely manner. Most cases (80%) are resolved in 30 days or less, with cases resulting in a finding of not guilty taking about 7 days more than guilty findings.

M121

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Disciplinary charges may be designated as minor or serious by the institutional head or his delegate. Nationally about 4 in 10 charges are designated as serious. Regional rates of serious charges range from 30% (Pacific) to 58% (Atlantic). Factors influencing regional variations could not be specified.

The proportion of charges resulting in a guilty finding for serious offences ranges from 62% (Ontario) to 88% (Quebec). For minor offences, guilty rates range from 76% (Pacific) to 91% (Quebec). Within regions guilty rates do not vary much for minor or serious offences with the exception of Ontario where the variation is 17%. Data from the study indicate that Aboriginal offenders, on average, have a 4% higher conviction rate (83% to 79%) for serious charges than non-aboriginal offenders. In Quebec the trend is reversed.

The study also identified implementation issues related to record keeping for disciplinary actions, the charging of visitors for summary convictions, the appointment of Independent Chairpersons and the need to ensure consistency in decision-making by independent chairpersons. CSC has noted these issues, and work is underway to respond.

SEARCH AND SEIZURE

For the CCRA review, the study of search and seizure addressed:

- whether CSC policies reflect the content and direction in the CCRA;
- the extent to which staff are aware of the types of searches, and the circumstances under which each type is permitted;
- whether staff understand the meaning of "suspect on reasonable grounds" and "believe on reasonable grounds" in relation to their authority to conduct a search;
- whether the procedures for seizure and handling of contraband are understood and followed;
- whether reports relating to search and seizure are prepared and issued as specified in the law.

Policy And Procedure For Searches: The CCRA requires searches to be conducted in accordance with a search plan approved by the institutional head. CSC policy states that institutions shall have standing orders outlining the procedures for conducting all types of searches in the institution. The Security Manual identifies the key elements of search and seizure to be addressed in Standing Orders. In general terms, CSC policy and procedures address key issues regarding search and seizure. Areas for improvement were also identified, resulting in action plans for additional improvement.

Complaints/Grievances And Searches: Data were compiled on complaints/grievances related to searches which were upheld, or upheld in part, for each stage of the grievance system, in the 1996 calendar year. Comments were gathered from regional focus groups, and from regional staff. The Correctional Investigator was consulted. Training modules and the curriculum guides for CSC's legal training program were reviewed.

TABLE 110
INMATE COMPLAINTS AND GRIEVANCES RELATED TO SEARCHES

Description	Number Made	Number Upheld	% Upheld By Type
Complaints	232	35	15
Grievance - Level 1	40	7	18
Grievance - Level 2	20	2	10
Grievance - Level 3	9	3	33
Total	**232**	**47**	**20**

Source: OMS

Information from the study indicates that 47 of 232 complaints/grievances (20%) dealing with searches were upheld at some point in the complaint/grievance process. Most were resolved at the complaint point, i.e. prior to first-level grievance. The fact that 20% of the complaints were eventually upheld, however, indicates that

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some aspects of search or seizure were not followed or required review. Work is underway in CSC to improve training and processes in this area.

Reasonable Grounds: For staff to comply with the law they must fully understand the law. In this context, the review assessed the technical difficulties encountered by staff contributing to non-compliance. In particular, the study examined difficulties with the meaning of "*suspect on reasonable grounds*" and "*believe on reasonable grounds*" in relation to their authority to conduct a search. This assessment focused on comments from internal surveys, regional focus groups, and the review of inmate grievance data.

Many Sections of the Act and the Regulations contain phrases dealing with suspicion and reasonable grounds:

- "... staff member *suspects* on reasonable grounds ..." CCRA 49 (1);
- "... *believes* on reasonable grounds ..." {CCRA 49 (3)};
- "... that there are reasonable grounds to so believe ..." {CCRA 49 (3)(b)};
- "... has reasonable grounds to suspect ..." {CCRA 55 (a)}.

Staff surveys indicate that there is some difficulty in understanding these terms, affecting not only the legal grounds upon which to conduct a specific search, but also the presentation of testimony in a disciplinary hearing. Staff have difficulty with the technical nature of "reasonable grounds", as well as with the distinction between "suspect" and "believe". Some staff are reluctant to apply the provisions of search and seizure, as they feel that too much justification is required for the action taken. CSC's legal education package addresses these issues. Work is underway to ensure that staff have access to this package, as required.

Searches Of Visitors: Sections 59 and 60 of the Act authorize routine, non-intrusive or frisk searches, frisk search on suspicion, strip search, and detention of a visitor. They also address the rights of the detained visitor. There appears to be some confusion concerning the application of the Act in terms of how to detain and protect the rights of a visitor. The distinction between "*reasonable grounds to suspect*" versus "*to believe*" is also a factor. Work has begun to provide the necessary training to clarify these issues for staff.

HANDLING OF CONTRABAND

The CCRA authorizes the seizure of contraband and evidence related to a criminal offence, requires that a receipt be issued, and that the item be submitted to a designated person. The Act also prescribes the requirements for any forfeiture or return of items seized. Review in these areas indicated that there have been minor issues, not related to the law, but rather to implementation of relevant policies and processes (e.g. forms for contraband seizure and control). Minor difficulties were also identified with reporting formats for search and seizure. Refinements in these areas are currently being developed.

INMATE DISCIPLINE

The inmate discipline provisions of the CCRA are designed to encourage inmates to conduct themselves in a manner that promotes the good order of the penitentiary, through a process that contributes to rehabilitation and successful reintegration.

For the CCRA review, a study was carried-out of the inmate discipline process which included a survey of Independent Chairpersons, an analysis of OMS data, a review of inmate grievance data, and inmate discipline data, a review of court challenges related to inmate discipline or search and seizure, a review of CSC policies, and consultation with the Office of the Correctional Investigator. In assessing the results of the study of inmate discipline, focus was placed on:

- the extent to which mechanisms are in place to ensure that the inmate disciplinary process is efficient, effective and consistent with legislation.
- the adequacy of CSC's information systems for supporting effective decision-making.

- the role of the Independent Chairperson (ICP) in accordance with the CCRA.
- the extent to which court hearings are cost-effective.

INFORMAL RESOLUTION

Data from all regions confirmed that various approaches for informal resolution of issues were in use including counselling, behavioural contracts, and positive behavioural reinforcement techniques. A written record of such informal steps was not maintained at all locations, and the need for this was questioned by some institutions in accordance with the principle of keeping the resolution "informal". In other institutions, it was suggested that some record be maintained to substantiate CSC's actions in the event of subsequent questions resulting from the disciplinary action. This area is under review by CSC.

The extent to which informal resolution is presently practised could not be confirmed through the inmate discipline file survey. This survey was based upon the actual charges that had been laid, rather than on the actual disciplinary infractions that had taken place. Informal resolution is, however, encouraged in training for all CSC correctional officers.

Temporary Confinement To A Cell: When unacceptable behaviour of an inmate is observed, one of the options that is open to staff is to confine the offender to a cell (on a voluntary basis). The option of temporary confinement to a cell is normally applied to settle a minor dispute involving one or more inmates, and is applied by confining the offender to his/her cell, located within the general population. The duration of temporary confinement would normally be two or three hours, e.g. the remainder of an evening recreation period. It is important that temporary confinement be applied in a fair manner that reflects the need for an administrative, rather than punitive response to control the situation. The question has been raised as to whether such action constitutes administrative segregation, as this is a form of dissociation from the general population. According to CCRA (4) (d), one of the principles to guide the Service in achieving its purpose is: *that the service use the least restrictive measures consistent with the protection of the public, staff members and offenders.* In keeping with CCRA, confinement to a cell is perceived as a less restrictive approach than formal segregation.

PROCEDURAL COMPLIANCE

The review found that CSC's policy and procedures to ensure fairness are adhered to in the majority of cases; however, a small percentage of cases were found to be missing some information on notices, or failed to meet time frames established in policy. This matter has been referred for further attention within CSC.

Serious And Minor Offences: An analysis of inmate disciplinary data in OMS including data on designation of charges as serious or minor was completed to provide insight into legislative compliance, consistency, fairness and equity in the administration of discipline. The working assumption for the review was that the proportion of minor and serious charges would be relatively stable across regions.

In comparing data on the designation of charges, it is interesting to note that 30% of the charges in the Prairies and Pacific regions were categorized as serious, while in the other regions serious charges ranged from 39% to 58%. The reasons for these variations could not be specified but could reflect differences in interpretation and/or application of law and policy, differing levels of tolerance for offender behaviour, or differences in behaviour.

TABLE 111 SERIOUS AND MINOR CHARGES				
	Serious	Minor	Total	% Serious
Atlantic	1453	1041	2494	58%
Quebec	3148	4678	7826	40%
Ontario	1922	3040	4962	39%
Prairies	1171	2775	3946	30%
Pacific	753	1781	2534	30%
Total	8447	13315	21762	39%

Source: OMS

Rates Of Conviction: It was expected in a fair and equitable process that rates of conviction for disciplinary offences would be relatively constant for serious and minor charges within regions. Data on offences indicate that there is a spread of 5% or less between convictions for serious and minor charges in the Atlantic, Quebec, Prairies and Pacific. In Ontario the spread between serious and minor guilty findings is 17%.

TABLE 112 PROPORTION OF GUILTY AND NOT-GUILTY FINDINGS						
	Serious Offences			Minor Offences		
	Guilty	Not guilty[1]	% guilty	Guilty	Not guilty[1]	% guilty
Atlantic	1242	211	85%	875	166	84%
Quebec	2759	389	88%	4239	439	91%
Ontario	1190	732	62%	2408	632	79%
Prairies	994	177	85%	2443	332	88%
Pacific	536	217	71%	1357	424	76%
Total	6721	1726	80%	11322	1993	85%

[1] The data under "not guilty" includes charges which were dismissed. Source: OMS

Comparisons of conviction rates (% guilty) by category across regions indicate that rates for serious charges are similar in the Atlantic, Quebec and Prairie regions (85% - 88%). Conviction rates in Ontario (62%) and the Pacific (71%) are significantly lower. There is a similar pattern with convictions on minor offences.

Aboriginal Offenders: For serious charges, the national conviction rate for Aboriginal offenders is 4% higher than for non-aboriginal (83% vs. 79%). Regional rates reflect this trend except in Quebec where Aboriginal offenders have a lower rate. For minor offences, there is no national difference, although there are slight regional differences, with Aboriginal offenders having a higher conviction rate in the Atlantic, Prairies and Pacific regions.

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TABLE 113 DISPOSITION OF CHARGES OF ABORIGINAL AND NON-ABORIGINAL								
	SERIOUS				MINOR			
	Aboriginal		Non-Aboriginal		Aboriginal		Non-Aboriginal	
REGION	G	NG/D	G	NG/D	G	NG/D	G	NG/D
Atlantic	69	11	1173	200	50	6	825	157
	86%	14%	85%	15%	89%	11%	84%	16%
Quebec	89	19	2670	370	153	22	4086	415
	82%	18%	88%	12%	87%	13%	91%	9%
Ontario	68	30	1122	702	99	41	2309	591
	69%	31%	61%	38%	71%	29%	80%	20%
Prairies	442	62	552	115	1072	136	1371	196
	88%	12%	83%	17%	89%	11%	87%	12%
Pacific	115	38	421	179	308	86	1049	338
	75%	25%	70%	30%	78%	22%	76%	24%
National	**783**	**160**	**5938**	**1566**	**1682**	**291**	**9640**	**1700**
	83%	**17%**	**79%**	**21%**	**85%**	**15%**	**85%**	**15%**

Note: Percentage may not total 100% due to rounding. G = Guilty; NG/D = Not guilty or dismissed. Source: OMS

Timeliness: CSC policy identifies timeliness as one of the key principles for administration of the disciplinary process. Accordingly, this review examined processing times between the date of offence and the date of hearing. The findings indicate that 80% of all cases are processed within 30 days.

TABLE 114 DURATION TO FINALIZE DISCIPLINARY CHARGES			
	≤ 30 days	31-60 days	> 61 days
Atlantic	1762 (69%)	593 (23%)	203 (8%)
Quebec	6430 (86%)	844 (11%)	226 (3%)
Ontario	3392 (74%)	864 (18%)	322 (7%)
Prairies	3351 (86%)	462 (12%)	100 (3%)
Pacific	1898 (79%)	393 (16%)	102 (4%)
Total	**16833 (80%)**	**3156 (15%)**	**902 (5%)**

Closer examination of data on the timeliness of case processing indicates that with the exception of not guilty cases involving serious charges, all cases are processed within 30 days. For serious charges with a finding of not guilty, the average number of days by region varies from 23 to 41. For those with guilty findings, the range by region is 20 to 28 days. For minor charges found not guilty, the average number of days varies between 18 and 41 days. Minor charges with guilty findings take 14 to 23 days. The fact that it takes about 1 week longer to arrive at a not guilty finding suggests that due consideration is generally applied by the chairperson (either independent or institutional) in arriving at the decision. There is also the likelihood that charges that take longer to process are more likely to be dismissed due to delays. The data were unable to differentiate the reasons for the dismissal.

TABLE 115 TIMELINESS IN THE DISCIPLINARY PROCESS								
	Serious				Minor			
	Guilty		Not Guilty or Dismissed		*Guilty*		Not Guilty or Dismissed	
Region	Average (days)	Range (days)	Average (days)	Range (days)	Average (days)	Range (days)	Average (days)	Range (days)
Atlantic	26	12-38	41	18-61	23	12-30	41	12-50
Quebec	20	9-36	27	7-65	14	7-32	19	5-35
Ontario	28	15-37	36	22-74	14	9-22	18	7-31
Prairies	20	4-28	23	10-35	15	9-25	18	7-38
Pacific	26	19-35	39	21-44	17	9-20	22	8-30
National Avg.	**24**		**33**		**17**		**24**	

Source: OMS

DISCIPLINARY SANCTIONS

The CCRA identifies sanctions for use in the discipline of inmates including warning or reprimand, loss of privileges, restitution, fines, extra duties, and for a serious disciplinary offence, segregation from other inmates for a maximum of 30 days.

The OMS data on inmate disciplinary charges was analyzed in terms of the sanctions awarded following conviction for both serious and minor offences (see Table 116).

TABLE 116 Sanctions Awarded for Serious and Minor Offences				
	Serious		Minor	
	#	%	#	%
Warning / Reprimand	270	5%	3125	32%
Loss of Privileges	786	14%	1946	20%
Fine	2591	46%	4564	47%
Restitution	152	3%	57	1%
Segregation	1798	32%	47	0%
Extra Work	12	0%	40	0%
TOTAL	**5609**	**100%**	**9779**	**100%**

Source: OMS: July 1 to December 31, 1996. Note: In some cases a multiple sanction was awarded, e.g. a fine and a warning. This data includes all sanctions awarded for a single conviction.

For serious charges the imposition of a fine predominates at 46%, followed by a period in segregation for 32% of the convictions, and the loss of privileges (14%). For minor charges a fine was most common at 47%, followed by a warning or reprimand in 32% of the cases, and the loss of privileges (20%).

The data indicates that a period of segregation, which may be imposed only in the case of a serious offence, was awarded for 47 minor infractions. However further analysis revealed that the majority were a coding error, for which corrective action has been initiated. In three cases there was a technical violation by the chairperson of the hearing.

Extra Duties: The award of extra duties was a new sanction introduced with the Act. This sanction was used infrequently, and when used, it involved mostly minor charges.

TABLE 113 DISPOSITION OF CHARGES OF ABORIGINAL AND NON-ABORIGINAL								
	SERIOUS				MINOR			
	Aboriginal		Non-Aboriginal		Aboriginal		Non-Aboriginal	
REGION	G	NG/D	G	NG/D	G	NG/D	G	NG/D
Atlantic	69	11	1173	200	50	6	825	157
	86%	14%	85%	15%	89%	11%	84%	16%
Quebec	89	19	2670	370	153	22	4086	415
	82%	18%	88%	12%	87%	13%	91%	9%
Ontario	68	30	1122	702	99	41	2309	591
	69%	31%	61%	38%	71%	29%	80%	20%
Prairies	442	62	552	115	1072	136	1371	196
	88%	12%	83%	17%	89%	11%	87%	12%
Pacific	115	38	421	179	308	86	1049	338
	75%	25%	70%	30%	78%	22%	76%	24%
National	783	160	5938	1566	1682	291	9640	1700
	83%	17%	79%	21%	85%	15%	85%	15%

Note: Percentage may not total 100% due to rounding. G = Guilty; NG/D = Not guilty or dismissed. Source: OMS

Timeliness: CSC policy identifies timeliness as one of the key principles for administration of the disciplinary process. Accordingly, this review examined processing times between the date of offence and the date of hearing. The findings indicate that 80% of all cases are processed within 30 days.

TABLE 114 DURATION TO FINALIZE DISCIPLINARY CHARGES			
	≤ 30 days	31-60 days	> 61 days
Atlantic	1762 (69%)	593 (23%)	203 (8%)
Quebec	6430 (86%)	844 (11%)	226 (3%)
Ontario	3392 (74%)	864 (18%)	322 (7%)
Prairies	3351 (86%)	462 (12%)	100 (3%)
Pacific	1898 (79%)	393 (16%)	102 (4%)
Total	16833 (80%)	3156 (15%)	982 (5%)

Closer examination of data on the timeliness of case processing indicates that with the exception of not guilty cases involving serious charges, all cases are processed within 30 days. For serious charges with a finding of not guilty, the average number of days by region varies from 23 to 41. For those with guilty findings, the range by region is 20 to 28 days. For minor charges found not guilty, the average number of days varies between 18 and 41 days. Minor charges with guilty findings take 14 to 23 days. The fact that it takes about 1 week longer to arrive at a not guilty finding suggests that due consideration is generally applied by the chairperson (either independent or institutional) in arriving at the decision. There is also the likelihood that charges that take longer to process are more likely to be dismissed due to delays. The data were unable to differentiate the reasons for the dismissal.

TABLE 115 TIMELINESS IN THE DISCIPLINARY PROCESS								
	Serious				Minor			
	Guilty		Not Guilty or Dismissed		*Guilty*		Not Guilty or Dismissed	
Region	Average (days)	Range (days)	Average (days)	Range (days)	Average (days)	Range (days)	Average (days)	Range (days)
Atlantic	26	12-38	41	18-61	23	12-30	41	12-50
Quebec	20	9-36	27	7-65	14	7-32	19	5-35
Ontario	28	15-37	36	22-74	14	9-22	18	7-31
Prairies	20	4-28	23	10-35	15	9-25	18	7-38
Pacific	26	19-35	39	21-44	17	9-20	22	8-30
National Avg.	24		33		17		24	

Source: OMS

DISCIPLINARY SANCTIONS

The CCRA identifies sanctions for use in the discipline of inmates including warning or reprimand, loss of privileges, restitution, fines, extra duties, and for a serious disciplinary offence, segregation from other inmates for a maximum of 30 days.

The OMS data on inmate disciplinary charges was analyzed in terms of the sanctions awarded following conviction for both serious and minor offences (see Table 116).

TABLE 116 Sanctions Awarded for Serious and Minor Offences				
	Serious		Minor	
	#	%	#	%
Warning / Reprimand	270	5%	3125	32%
Loss of Privileges	786	14%	1946	20%
Fine	2591	46%	4564	47%
Restitution	152	3%	57	1%
Segregation	1798	32%	47	0%
Extra Work	12	0%	40	0%
TOTAL	**5609**	**100%**	**9779**	**100%**

Source: OMS: July 1 to December 31, 1996. Note: In some cases a multiple sanction was awarded, e.g. a fine and a warning. This data includes all sanctions awarded for a single conviction.

For serious charges the imposition of a fine predominates at 46%, followed by a period in segregation for 32% of the convictions, and the loss of privileges (14%). For minor charges a fine was most common at 47%, followed by a warning or reprimand in 32% of the cases, and the loss of privileges (20%).

The data indicates that a period of segregation, which may be imposed only in the case of a serious offence, was awarded for 47 minor infractions. However further analysis revealed that the majority were a coding error, for which corrective action has been initiated. In three cases there was a technical violation by the chairperson of the hearing.

Extra Duties: The award of extra duties was a new sanction introduced with the Act. This sanction was used infrequently, and when used, it involved mostly minor charges.

TABLE 117 DISCIPLINARY SANCTIONS: EXTRA DUTIES				
	ICP COURT		MINOR COURT	
REGION	**Extra Duties**	**Total Sanctions**	**Extra Duties**	**Total Sanctions**
Atlantic	3	1242	6	875
Quebec	0	2759	3	4239
Ontario	8	1190	7	2408
Prairies	1	994	10	2443
Pacific	0	536	14	1357
National Total	**12** **% of sanctions 0.18%**	**6721**	**40** **% of sanctions 0.35%**	**11322**

Source: OMS

The roles of the ICP and senior ICP were addressed in the 1996 Review of Inmate Discipline. The review found that ICPs are generally familiar with the Act, Regulations, and CSC policies. They generally adhere to the various sanctions which are specified in the Act. Although their imposition of fines was consistent, there was variation in the use and suspension of warnings and disciplinary segregation. Regular reports have been developed for ICPs and senior ICPs so that the consistency of sanctions can be monitored.

SUMMARY CONVICTION OFFENCES

The CCRA (section 45) outlines the circumstances in which persons commit a summary conviction offence for the possession of contraband, the delivery or receipt of contraband or jewellery, and for trespassing at a penitentiary.

Summary conviction charges against visitors and trespassers are usually laid by local police forces in consultation with crown prosecutors. There is no regulatory or policy requirement for CSC to retain records of information referred to the police which may result in charges against visitors, and there is no requirement for the courts to provide CSC with any records of these charges or their outcomes. The only data available involve a few sites that have maintained informal records. As a result, it was difficult to determine the extent to which charges were laid, or the outcomes of summary conviction charges.

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5.4.3 OFFENDER GRIEVANCE SYSTEM

The CCRA requires fair and expeditious procedures for resolving offenders' complaints on matters within the jurisdiction of the Commissioner, and complete access to these procedures by offenders, without negative consequences. The Act also provides the conditions under which CSC must deliver and manage its offender redress system. The intent of the legislation is to ensure that fairness, timeliness and effectiveness are given the required focus in the inmate redress system.

SUMMARY OF FINDINGS

CSC has developed formal processes for an inmate redress system and responds to complaints and grievances in a timely manner. In fact, significant improvements have been made in response times since the CCRA.

Data from the review demonstrate that significant success has been achieved in resolving complaints and grievances at the lowest possible level. In fact, 73% of actions by inmates are addressed at the complaint level, i.e. before they progress to the level 1 grievance stage. An additional 13% are addressed at the level 1 stage. Only 1 of 10 complaints/grievances progresses beyond level 1 (institutional).

The study identified two issues with operational implications. The first involves the fact that 5% of the inmate population account for almost 70% of complaints and grievances. This situation makes it difficult for CSC to respond to offenders who submit very few complaints/grievances and who may have attempted to resolve issues through less formal measures. The second issue involves the lower than expected use of the complaints/grievances process by Aboriginal offenders. Reasons for this situation could not be specified with available data. Work is underway, however, to ensure that Aboriginal access to the grievance system is not constrained by cultural factors.

SCOPE OF STUDY

Complaint and grievance data have been reliably recorded in automated computer systems for only one year. As a result, the grievance system has been assessed primarily based on data for calendar year 1996.

TABLE 118
COMPLAINTS AND GRIEVANCES SUBMITTED IN 1996

	Complaints (Institutional)	1st Level (Institutional)	2nd Level (Regional)	3rd Level (NHQ)	TOTAL
Atlantic	1,753	261	174	85	2,273
Quebec	5,827	1,216	801	337	8,181
Ontario	4,557	723	599	231	6,110
Prairies	2,442	511	330	197	3,480
Pacific	2,447	434	305	140	3,326
National	**17,026**	**3,145**	**2,209**	**990**	**23,370**
Aboriginal	1,310	217	159	72	1,758
Women	345	38	22	4	409

Source: OMS

During the review period, there were 23,370 complaints or grievances recorded in OMS. More than 7 of every 10 actions (73%) were resolved at the complaint stage, i.e. before they progressed to a formal grievance action. An additional 13% and 9% of actions were resolved as grievances at the institutional and regional levels respectively. The national level was involved in resolution of 4% of complaints/grievances.

Aboriginal inmates accounted for 7% of all complaints/grievances but represented 15% of the incarcerated population. Women submitted 2% of complaints/grievances and account for 1% to 2% of the incarcerated

population. From a regional perspective, proportions of complaints or grievances were generally consistent with regional proportions of the incarcerated populations. Quebec showed the only variation, accounting for 27% of the incarcerated population and 35% of complaints/grievances.

FAIRNESS

Data from the Office of the Correctional Investigator appear to demonstrate that offenders perceive the grievance system to be relatively fair. Issues surrounding the grievance system represented a relatively small percentage of the complaints received by their office. In 1994-95, for example, 197 (2.9%) of the 6,799 complaints received by the OCI concerned the grievance procedure. Similarly, data from the OCI's 1995-96 Annual Report noted that 280 (4.1%) of the total 6,794 complaints received were related to the grievance procedure.

Grievance data demonstrate that CSC attempts to deal with individual complaints in a fair manner, and to recognize valid complaints. In 1996, 4,423 or 19% of all complaints and grievances on all subjects submitted by offenders were considered to be valid (i.e. they were upheld or upheld in part). In order to increase the fairness of the system, CSC has determined that grievances which raise issues with greater potential impact for liberty and rights, should be investigated and answered as a priority.

The Act states that "every offender shall have complete access to the offender grievance procedure..." and that it will serve to fairly and expeditiously resolve offenders' grievances (Section 90). Data indicate that the majority of complaints/grievances are submitted by a relatively small proportion of the inmate population. In fact, 5% of the inmate population accounted for 69% of all complaints/grievances for calendar year 1996. During the year, 15 inmates submitted over 100 grievances each, one inmate submitted 334, and 66 inmates submitted more than 50 each. CSC is largely bound to treat the complaints submitted by "multiple grievors" in the same manner as complaints by offenders who submit very few complaints and who may have made legitimate efforts to resolve problems before using the grievance system. CSC policy is being amended to deal with this issue.

TIMELINESS

The Arbour Commission made a number of recommendations on the offender grievance system. The Commission noted that CSC was not following its own policy with respect to providing offenders with written responses to complaints within prescribed timeframes. In response, CSC made a commitment to manage this area of its mandate. It also undertook a review to determine realistic timeframes for effective investigations, while at the same time providing offenders with timely responses. Existing policy requires that offenders receive written responses within 10 working days. CSC's review of the system led to recommendations that 15 and 25 working days be provided to respond to priority and non-priority grievances, respectively. Policy changes in this area are being developed.

Even without policy change, significant improvements can be demonstrated for response times. In January 1996, it took an average of 41 working days to respond to a grievance at National Headquarters. By March 1997, this time had been reduced to 17 days. For priority grievances, National Headquarters took an average of 16 working days to respond in April 1996. By March 1997, this had been reduced so that "priority" grievances were addressed in nine days.

Grievance data also confirm that offenders are receiving timely responses to their complaints and grievances at the institutional and regional levels. For example, offenders received responses to their complaints and institutional grievances in an average of twelve working days for the month of December 1996. Responses to grievances at the regional level were received by offenders in an average of 17 days.

EFFECTIVENESS

The numbers of complaints and grievances submitted by offenders experience a dramatic reduction as they move through the system to higher levels. For example, only 27% of the total complaints/grievances moved beyond the complaint stage. Of this total, 13% were resolved by the institutional head. In practice then, about 9 of 10 complaints or grievances are resolved within the institution. What is equally interesting is the fact that a significart percentage of grievances are being resolved in the favour of offenders at the lower levels (e.g. institutional) of the grievance procedure. Of the original 17,026 complaints submitted in 1996, 21% were upheld, or upheld in part in favour of offenders.

An assessment of the effectiveness of a grievance procedure should not be limited to how it responds to an individual complaint or grievance. Cumulative grievance data should serve as a management tool which can point to trends or patterns, and provide the impetus for examination of issues. In the last year, with the use of the Offender Management System, CSC has been able to produce grievance trend analyses which permit comparisons by institution, by region and nationally. These comparisons enable managers to examine indicators such as the response time for grievances. They will be able to identify the types of grievances submitted, and examine trends or the reasons for disproportional numbers of grievances being submitted by one institution or region. This information will inform policy development and program improvement.

THE GRIEVANCE SYSTEM AND ABORIGINAL OFFENDERS

While Aboriginal offenders make up approximately 15% of federal inmates, they submitted only 7% of the total complaints and grievances in 1995-96. Although a number of theories may be advanced to explain this level of use of the grievance system by Aboriginal offenders, it is an area which deserves further examination. The use of grievance personnel who have received a certain level of cultural sensitivity training, for example, may prove to make the grievance procedure more accessible for aboriginals.

5.4.4 URINALYSIS

The CCRA provided CSC with the necessary authority for urinalysis and related testing programs. The Act provides guidance for staff and inmates to help ensure that the individual's rights are protected, consistent with the *Charter of Rights And Freedoms*.

SUMMARY OF FINDINGS

Urinalysis is now an integral part of CSC operations. In 1992, the volume of samples was approximately 250 per month. In 1997, the volume of samples per month had risen to 3700. Testing and sampling appear consistent with legislative intent and requirements of the Act. As a result of the information provided by urinalysis, CSC's Drug Strategy was developed and implemented.

The rate of positive test results has dropped in the last 4 years. In 1993/94, the positive rate for random testing was 37% in institutions and 37% in the community. In 1996/97, the positive rate for random testing in institutions was 10%, and in the community the rate was 12%.

There has not been a shift from soft drugs to hard drugs (cocaine, opiates) in institutions in the past 4 years; however, hard drugs are more prevalent in maximum security institutions. In at least two regions, there appears to be a relationship between drug seizures and decreases in violent incidents in institutions. This result along with other findings demonstrate the need for an effective urinalysis program for drug testing in federal institutions. As urinalysis is not the most effective test for alcohol consumption, breathalysers will be considered for this type of testing in institutions, and in the community.

BACKGROUND

Urinalysis was first introduced in federal corrections in 1985. The *Penitentiary Act* was amended to permit urine sampling to address serious problems associated with substance abuse in federal penitentiaries. Subsequently, the law was challenged as the Federal Court was asked to decide if the section allowing CSC to require an inmate to provide a urine sample contravened the offenders' rights under the *Charter*.

The Court ruled that the law did, in fact, contravene the *Charter* as it contained no standards, criteria or circumstances for application by CSC staff. As a result of the successful challenge, urinalysis was limited to certain facilities where specialized treatment programs were available, and the inmate consented to the testing. Provisions of the *Parole Act* allowed testing of offenders in the community when NPB imposed a special condition to submit to urinalysis.

POST-CCRA IMPLEMENTATION

Urinalysis was reintroduced following the CCRA. Implementation of urinalysis was to occur over a 5 year period following the Act; however, initial results were so promising that full implementation was undertaken in 1994/95. Based on the Act, CSC staff are allowed to request urine samples in the following circumstances:

IN INSTITUTIONS

- **Reasonable Grounds**: where there are indications that the offender has "taken an intoxicant into his/her body" but there are insufficient grounds to convict without urinalysis.
- **Random Selection Program**: for random testing of 5% to 10% of the inmate population for a specific month or period (no individualized grounds).
- **Participation in a Program or Activity Involving Community Contact**: Inmates with a history of substance abuse may be asked to give urine samples as a condition for participation in an activity in the community.
- **Three Consecutive Negative Urine Samples**: An offender convicted of taking an intoxicant may be required to provide a sample each month until three consecutive negative samples are provided.

IN THE COMMUNITY

- **Reasonable Grounds**: where there are grounds to suspect that a conditionally released offender has breached an additional condition to abstain;
- **Monitoring Additional Conditions to Abstain From Intoxicants**: parole supervisor monitors abstinence at regular levels.

NATIONAL DRUG STRATEGY

In July 1994, CSC was successful in defending a *Charter* challenge involving urinalysis. A group of inmates at Kent institution (Fieldhouse vs CSC) challenged the constitutionality of random urinalysis testing by arguing that their *Charter* rights under S.7 (security of the person) and S.8 (security from unreasonable search) were being infringed. They submitted that no real and demonstrable link exists between drugs and violence; that random urinalysis testing would not be effective as a deterrent to drug use; and that the taking of a urine sample under "direct observation" was an unnecessary invasion of what little privacy they had left while incarcerated.

The Court decision was in favour of CSC. The inmates appealed the decision, and once again the Court decided in CSC's favour. The judge found that "Both fulfilment of its mandate and application of the statutory principles which guide its pursuit of that mandate justify the Correctional Service of Canada conducting random urine testing at Kent Institution. Moreover, as a deterrent to prison drug use and the violence associated with it, random urine testing constitutes neither an unreasonable diminution of inmates' liberty or privacy or the integrity of their persons".

This decision paved the way for the development and implementation of CSC's Drug Strategy. This decision provided strong judicial support for the "eradication" of intoxicants in prisons by the most appropriate means available under the law, including random and other forms of urinalysis, in addition to interdiction and searching practices.

Following the Fieldhouse decision, CSC modified the random selection process so that there was more consistency across institutions. The Urinalysis Testing Program used by CSC follows the standards established by the Canadian Standards Council for Human Drug Testing. Standards establish the procedures, including cut off levels for testing five substances i.e. Emphetamine, Cannabinoid, Cocaine, Pencyclidine and Opiates. Following implementation by CSC, data analysis and seizure reports demonstrated that other substances were being abused by offenders while incarcerated, and on conditional release, requiring an adjustment to the testing program. The drug list at the time the CCRA was promulgated included:

- Alcohol
- Amphetamine
- Benzodiazepines (eg. Valium and other anti-depressants, sedatives)
- Cannabinoid (Hash and Marijuana)
- Cocaine (Cocaine and Crack)
- LSD
- Opiate (Codeine and Morphine)
- Phencyclidine (PCP)
- Volatiles (solvents and other materials containing alcohol).

In the Fall of 1995, following a review of security incidents and seizures, two substances were added:

- Methylphendate (Ritalin); and
- Pentazocine (Talwin).

In the Fall of 1996, again after reviewing security incidents, seizures and a study of suicides, three more substances were added.

- Meperidine (Demerol);
- Hydromorphone (Dilaudid - added to Opiate B); and
- Fluexitine (Prozac).

Also, the Benzodiazepine drug class was split into three groups, and the drug class Opiate was split into two groups (morphine and codeine) and (Hydromorphone). This was done to simplify the analysis by the drug testing laboratories. It is the intention to maintain this drug list until the end of 1998/99, and then review it in conjunction with seizure reports, incidents, and any other relevant information.

Operational Requirements: Providing a urine sample is a search and seizure issue. The collection and testing procedures are, therefore, rigorous and essential. A strict chain of custody is established from the time the sample is requested to the point where the results are communicated to the operational unit. These procedures were established to protect the rights of the offender, and the forensic integrity of the results. Two operational requirements have been contentious for staff and offenders. The first is direct observation at the time of collection. The second is the need for analysis of the sample in two phases, screening and confirmation, at one site, by an accredited laboratory.

Collection of Urine Samples: Due to the requirement for direct observation during sample collection, finding voluntary collectors has been difficult. Collection is time consumming for correctional staff. Some institutions have, therefore, hired casual staff to offset the collector's time away from his or her post. Others with high volumes have contracted for collectors.

In the community, parole officers were very resistant to collecting urine samples. They felt having to collect a sample, especially under direct observation, would affect their working relationship with the offender. In addition, in many parole offices there are very few male parole officers. As a result, most parole offices have contracted out their collection services.

Laboratory Analysis: The analysis of urine samples must be done in two phases, screening and confirmation, at one site, by an accredited laboratory. It takes up to 72 hours to complete the analysis of a sample and communicate the results. In the case of adulterated/dilute samples, this period can be extended up to 8 working days. Delays have caused some problems for line staff, especially in the community. Concerns have been voiced that an offender may walk away from a CCC/CRC or fail to report, while his or her sample is being analysed. CSC has attempted to address this issue through policy direction for parole supervision.

ALCOHOL TESTING

Since implementation of the Urinalysis Program, alcohol testing has been limited. It has become apparent that urinalysis is not the most effective way to determine alcohol use. Alcohol clears the body very quickly. If the provider is under the influence at the time the sample is taken, alcohol may not appear in the sample since it is still in the bloodstream. Also, a preservative must be added to samples because they may ferment during transportation or escape into the head space of the bottle. Further, diabetic offenders and those with yeast infections may provide samples that test positive for alcohol, although alcohol has not been consumed. Given these problems, Parole Officers have been recommending that NPB impose conditions for the offender to submit to a breathalizer upon demand by his/her supervisor.

STATISTICAL RESULTS OF THE URINALYSIS PROGRAM

Initial results in 1993 showed a positive rate of 37%. In subsequent years, positive rates decreased sharply for all security levels. By 1996, rates of positive testing had fallen below 10% for maximum and minimum security institutions. The medium security category had the highest positive rate at 12%.

TABLE 119
RANDOM SELECTION PROGRAM RESULTS
(JANUARY 1, 1994 TO DECEMBER 31, 1996)

Security Level	1994		1995		1996	
	% Positive	Sample Size	% Positive	Sample Size	% Positive	Sample Size
Maximum	11	184	8	626	8	1142
Medium	13	304	10	1392	12	3002
Minimum	7	29	11	182	6	464
Total	**12**	**517**	**10**	**2200**	**10**	**4608**

Source: OMS July 1997

Community Testing: Urinalysis testing to monitor an abstinence condition was occurring on a very limited scale prior to the CCRA, and the methods used were inconsistent. One of the major challenges when implementing the Urinalysis Program was to ensure all community-based facilities used the accredited laboratory, and tested for an authorized reason.

Official urinalysis testing in the community began on April 1, 1993. As training occurred across the country, more sites were added. By the end of 1993, the volume was approximately 45 samples per month, with a positive rate of 37%. In 1994, results were similar. Monthly volumes of samples were about 40, and the positive rate was 39%. By 1996, monthly volumes increased to over 800 but the positive rate decreased to 12% (i.e. less than one-third of rates in previous years).

TABLE 120

Community Testing	1994*		1995		1996	
Monitoring	80/467	39%	228/3638	12%	1195/9905	12%
Other	51/383	13%	107/1236	9%	114/1683	9%

Source: OMS July 1997

* The 1994 data is skewed in that most of the volume is from the Central Ontario District where the Oshawa and Intensive Supervision units had high volumes and positive rates in excess of 60%.

Substances Found: Since the implementation of the Urinalysis Program, CSC has been monitoring the type and proportion of substances found in positive samples. Initially, there were concerns that offenders would move from soft drugs to harder drugs because average time for harder drugs such as cocaine and heroin to clear the body is 48 hours, whereas substances such as marijuana clear in 30 days.

Results indicate that harder drugs, i.e. cocaine and opiates, are found more often in maximum security (21% and 25% respectively) than in medium or minimum. In fact, it is only in maximum security that we see the trend towards greater cocaine and opiate use. Also, in all security levels, there has been a decrease in the proportion of positive urine samples for benzodiazepines. This is consistent with the high levels of drug seizures for this substance (valium). Successes in lowering the positive rate for harder drugs will require strategies which concentrate on seizure of cocaine and opiates in institutions, and provision of more intensive substance abuse programs for those addicted to these substances.

Data from testing indicate that substances involving THC (marijuana, hash) are used most frequently at all institutional levels, and particularly in minimum and medium security facilities. Opiates are the second most

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* The 1994 data is skewed in that most of the volume is from the Central Ontario District where the Oshawa and Intensive Supervision units had high volumes and positive rates in excess of 60%.

Substances Found: Since the implementation of the Urinalysis Program, CSC has been monitoring the type and proportion of substances found in positive samples. Initially, there were concerns that offenders would move from soft drugs to harder drugs because average time for harder drugs such as cocaine and heroin to clear the body is 48 hours, whereas substances such as marijuana clear in 30 days.

Results indicate that harder drugs, i.e. cocaine and opiates, are found more often in maximum security (21% and 25% respectively) than in medium or minimum. In fact, it is only in maximum security that we see the trend towards greater cocaine and opiate use. Also, in all security levels, there has been a decrease in the proportion of positive urine samples for benzodiazepines. This is consistent with the high levels of drug seizures for this substance (valium). Successes in lowering the positive rate for harder drugs will require strategies which concentrate on seizure of cocaine and opiates in institutions, and provision of more intensive substance abuse programs for those addicted to these substances.

Data from testing indicate that substances involving THC (marijuana, hash) are used most frequently at all institutional levels, and particularly in minimum and medium security facilities. Opiates are the second most

frequently used substance at all levels. Trends indicate, however, that in minimum security institutions positive rates for opiates have declined steadily. In medium and maximum institutions positive test rates have remained stable after sharp declines in 1994.

Positive test rates for cocaine have decreased in minimum and medium institutions, and now represent 2% and 3% respectively of positive samples at those levels of security. In contrast, positive test rates for cocaine have increased annually at the maximum level.

TABLE 121
MINIMUM SECURITY TESTING

Substance	1993		1994		1995		1996	
Alcohol	0		0		0		2	1%
Amphetamines	0		0		0		1	0.5%
Benzodiazepine	4	27%	10	13%	8	7%	8	5%
Cocaine	0		7	9%	11	10%	4	2%
LSD	0		0		0		0	
Meperidine	-		-		-		0	
Methylphenidate	-		0		0		0	
Norfluoxetine	-		-		0		1	0.5%
Opiate	3	20%	10	13%	15	13%	19	11%
Pentazocine	-		0		0		0	
Phencyclidine	0		0		1	1%	5	3%
THC	7	47%	50	65%	79	70%	126	76%
Other	1	6%	0		0		0	

Source: OMS

TABLE 122
MEDIUM SECURITY TESTING

Substance	1993		1994		1995		1996	
Alcohol	0		1	0.5%	0		8	1%
Amphetamines	0		6	3%	7	1%	17	1%
Benzodiazepine	3	14%	25	13%	77	11%	88	7%
Cocaine	0		14	7%	26	4%	36	3%
LSD	0		0		1	.01%	0	
Meperidine							1	0.08%
Methylphenidate	-		-		1	.01%	21	2%
Norfluoxetine	-		-		0		6	0.5%
Opiate	4	19%	23	11%	108	15%	187	16%
Pentazocine	-		-		0		2	1%
Phencyclidine	0		0		25	3%	25	2%
THC	14	67%	124	64%	485	67%	785	67%
Other	0		0		0		1	0.08%

Source: OMS

TABLE 123 MAXIMUM SECURITY TESTING								
Substance	1993		1994		1995		1996	
Alcohol	0		2	0.04%	4	0.5%	9	1%
Amphetamines	1	8%	12	0.2%	15	2%	9	2%
Benzodiazepine	4	33%	84	17%	99	14%	160	12%
Cocaine	1	8%	72	15%	120	17%	266	21%
LSD	0		0		1	0.1%	13	1%
Meperidine	-		-		-		0	
Methylphenidate	0		0		4	0.5%	2	0.2%
Norfluoxetine	-		-		0		4	0.3%
Opiate	5	42%	97	20%	146	21%	317	25%
Pentazocine	-		1	0.02%	1	0.1%	9	1%
Phencyclidine	0		2	0.04%	17	2%	22	2%
THC	1	8%	209	44%	305	43%	467	37%
Other	0		0		0		0	

Source: OMS

Community Testing: The proportion of positive tests for offenders on conditional release remained steady at 12% in 1995 to 1996. What changed, however, was the proportional distribution of substances for which they tested positively. There were increases in the proportion of positive tests for opiates from 20% in 1994 to 24% in 1996. Positive tests for cocaine remained fairly consistent. Tests involving benzodiazepines dropped, while the proportion of positive tests for THC also dropped, from 54% in 1994 to 50%; however, as in institutions, it remains the substance of choice. Monitoring the frequency of positive testing for substances provides a picture of trends in usage and availability. Monitoring the ratio of positive samples to the number of substances found in them, provides an estimate of the level of cross usage or cross addiction. This is important when evaluating and monitoring risk and need.

TABLE 124 COMMUNITY BASED TESTING								
Substance	1993		1994		1995		1996	
Alcohol	2	9%	3	0.5%	17	2%	31	2%
Amphetamines	0		5	1%	7	1%	9	0.5%
Benzodiazepine	2	9%	62	14%	93	10%	164	8%
Cocaine	2	9%	43	10%	109	12%	225	11%
LSD	0		1	0.2%	2	0.2%	3	0.1%
Meperidine	-		-		0		5	0.2%
Methylphenidate	-				3	0.3%	9	0.5%
Norfluoxetine	-		-		0		23	1%
Opiate	6	26%	91	20%	170	19%	465	24%
Pentazocine	-		1	0.2%	2	0.2%	4	0.2%
Phencyclidine	0		1	0.2%	24	3%	28	1%
THC	11	48%	240	54%	473	53%	983	50%
Other	0		0		0		0	

M121

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DRUG SEIZURES AND VIOLENT INDICENTS

Nationally, drug seizures increased by 30% in 1996/97 compared with 1995/96, reflecting CSC's policy of zero tolerance for drug abuse in federal institutions. In particular, there were increases in seizures in maximum and medium institutions. The Ontario (+36%), Prairies (+68%), and Pacific (+119%) regions demonstrated increases in seizures, with the largest increase by category occurring in medium institutions in the Pacific region. Recent data indicate that as drug seizures increase in institutions, violent incidents appear to decrease.

TABLE 125
NATIONAL DRUG SEIZURES

REGION	MAXIMUM		MEDIUM		MINIMUM		CANADA	
	1995/96	1996/97	1995/96	1996/97	1995/96	1996/97	1995/96	1996/97
Atlantic	79	38	112	96	7	8	198	142
Quebec	45	54	199	193	79	26	323	273
Ontario	87	214	322	357	36	34	445	605
Prairies	11	13	105	182	1	2	117	197
Pacific	65	105	157	402	12	6	234	513
Total	**287**	**424**	**895**	**1230**	**135**	**76**	**1317**	**1730**

Source: OMS

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TABLE 125
NATIONAL DRUG SEIZURES

REGION	MAXIMUM		MEDIUM		MINIMUM		CANADA	
	1995/96	1996/97	1995/96	1996/97	1995/96	1996/97	1995/96	1996/97
Atlantic	79	38	112	96	7	8	198	142
Quebec	45	54	199	193	79	26	323	273
Ontario	87	214	322	357	36	34	445	605
Prairies	11	13	105	182	1	2	117	197
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Total	**287**	**424**	**895**	**1230**	**135**	**76**	**1317**	**1730**

Source: OMS

5.4.5 INMATES' INPUT TO DECISION-MAKING

The CCRA requires CSC to provide inmates with the opportunity to contribute to decisions affecting the inmate population as a whole, or affecting a group within the inmate population, except decisions relating to security matters. The CCRA legislated the concept of having inmates as "informed participants" in the correctional process. This concept is accepted generally as good management practice, allowing offenders to be involved, and instilling a sense of dignity, control, and empowerment.

Offenders are expected, and encouraged to be active participants in the management of their sentence – the correctional plan is developed in conjunction with the offender. CSC's policies reflect the principles of fundamental justice and the duty to act fairly. There is a redress system if offenders feel they have been treated unjustly. The Inmate Committee for each institution works with management in the effective running of the institution. The Committee acts as the link between management and the inmate population.

SUMMARY OF FINDINGS

The concept of offenders as informed participants in corrections is inherent to the correctional process. Inmate committees exist in all institutions and these committees are generally provided with the opportunity to be informed of, and to comment on, issues affecting the inmate population.

IMPLEMENTATION

CSC responded to legislative requirements by ensuring that its policies outlined a process for obtaining inmate input. CSC recognized the need for a corporate approach to this provision. To this end, a set of principles was approved by the organization in October 1993. In the spring of 1995, CSC undertook a review of thirteen national issues where input had been solicited from inmates. The review assessed the impact of the principles on implementation, identified improvements that had occurred, and made recommendations for additional improvement.

The review indicated that gathering input from institutions was resource intensive. Findings also indicated that seeking input from inmates should be selective. Questions/issues should be focused in the specific areas of the policy which have direct impact on inmates, as opposed to all of the policy. The review further revealed that 4 to 12 months elapsed between the time input was sought, and feedback was provided for inmates. This delay was perceived as having a negative impact on the credibility of the process.

The review resulted in changes in April, 1995, which clarified the language of the principles, and aligned the principles with CSC's policy framework, and key environmental factors. The changes more accurately reflected the language and intent of the Act. Section 74 uses the expression "contribute to decisions" and the policy referred to a consultation with inmates. The term "consultation" was considered problematic as it carried the sense of negotiating towards consensus. Section 74 simply recognizes that inmates have a right to be informed about the matter being decided, and to express their views prior to the decision being taken.

IMPLEMENTATION FOLLOW-UP

Recent Examples: Between August 1995 and October 1996 three "new" national policy issues (Drug Strategy, Inmate Survey, and the policy on Gangs) were brought to the CSC Executive Committee for either decision or direction.

Input was sought from all Inmate Committees on the Drug Strategy and questions were focused. There was a summary of the input included in the submission to Executive Committee, and the national team prepared an information package on the decision for wardens to share with the inmates.

On the Inmate Survey, a sample of institutions (maximum, medium and minimum) was involved in the pilot. After the inmates completed the survey there was a discussion, and adjustments were made to the instrument

for the full survey. Results of the Inmate Survey were shared with inmates verbally, and in writing. Institutional libraries were provided with copies of the survey so that it would be available to all inmates.

The team developing the policy on Gangs did not seek input from inmates during initial development, because it was perceived as a security issue. The Executive Committee directed that each region seek input from at least one Inmate Committee. As a result of the discussions with inmates, two changes were made to the policy and incorporated into the final version.

Scope: Study findings indicated that the number of national policy issues on which inmate input was sought differs by region. The mean number of policy issues on which input was sought is sixteen with a range between eleven and twenty-three. There are plausible explanations for these differences. Not all inmate committees need be surveyed during policy development. There are issues that are specific to only a portion of the inmate population (e.g., aboriginal offenders, women offenders), and there are others that are ongoing. It is evident that when the policy is "new" or when CSC anticipates that the impact of a change to existing policy will be controversial, input is sought from all Inmate Committees. When the policy change is considered a refinement, or the change is perceived to benefit the inmates input is not as extensive.

Compliance Review: Four policy issues were chosen at random (Inmate Employment and Pay, Inmate Money, Non-Smoking Policy, and Bleach Kits) to determine how closely the organization is adhering to the process. The study indicated that input was sought from Inmate Committees in all of the cases prior to decision. In the vast majority of situations, this is done verbally. In most cases, feedback to inmates was also verbal. Some of the above issues are ongoing and inmates appear to be involved continuously in the process.

Operational Issues: The involvement of inmates in operational issues is even more evident. They are involved in decisions which affect their daily living. Some issues deal with adherence to national policies, and others deal with issues specific to their institution (e.g., social events, room assignments, inmate welfare fund donations, etc.).

5.4.6 INFORMATION TO OFFENDERS

The CCRA requires CSC to provide offenders with the documents collected and written at the time of admission to a penitentiary, if they request the information in writing. These documents include court information, offence details, social histories and related information. The Act also requires CSC to give offenders all the information, or a summary of the information, to be considered in making decisions about offenders within a reasonable period of time before the decision is to be taken. Similarly, the Act requires CSC to provide offenders with the information that was considered by CSC when making decisions about offenders after the decision is taken. The Act also requires NPB to provide offenders all information to be considered in decision-making, at least 15 days before the decision is to occur, unless the offender waives this requirement, and to provide the decision after it has been taken.

SUMMARY OF FINDINGS

Provision of information to offenders regarding decisions about their incarceration or conditional release is a standard operating procedure for CSC and NPB. Consistent with the CCRA, the Board and CSC have developed policies and processes to support effective information sharing. Data for the review of the CCRA also indicate that great amounts of information are shared, within appropriate timeframes.

POLICY FRAMEWORK

In response to legislative requirements to provide information to offenders CSC and NPB have developed and implemented a policy and procedural framework to support effective sharing of information.

Personal Information: This policy provides a framework for CSC to share personal information, as defined in section 3 of the *Privacy Act*, with the offender. The offender's rights to be informed of decisions, and the information to be used in these decisions are defined in the CCRA, in the principles of common law regarding the duty to act fairly, and within constitutional guarantees provided under section 7 of the *Charter of Rights and Freedoms*. The policy defines:

- the offender's rights to an interpreter;
- criteria for sharing information;
- requirements for handling written reports;
- procedures related to offender's concern as to accuracy of information.

The policy includes guidelines on the role of persons designed to assist the offender in information sharing, and on the procedures for informal access to information. CSC has identified the person responsible for providing this assistance in each institution. NPB has also developed a policy framework for providing information to offenders within the context of its decision policies.

Access to Information and Privacy (ATIP): CSC policy and procedures related to this process specify that the Use and Disclosure Code and Exemptions document shall be used within the CSC as reference to interpret and apply disclosure and exemptions as contained in the *Privacy Act*. The policy also provides direction on how such records, which become the personal property of inmates, shall be handled in CSC facilities, given the sensitive nature of their contents. NPB has also developed a corporate policy for implementing ATIP legislation, consistent with CSC policy.

Inmate Complaints And Grievances, And Parolee Complaints And Grievances: These policies define the redress mechanisms available to offenders. In addition to emphasizing the duty to act fairly respecting complaints and grievances, these policies stress the requirement to inform the offender in writing of the decisions, the reasons for the decisions, and the options and mechanism for appeal to higher levels. These policies are applied in institutions and the community.

Policy Scope: CSC has developed policies for managing the many facets of the term of incarceration. Each of the policies describes the requirements to share case management information with offenders. These requirements are incorporated into a number of directives on the management of the offender as follows:

	Commissioner's Directives
CD 500	Reception and Orientation of Inmates
CD 540	Transfers of Inmates
CD 541	Interjurisdictional Agreements
CD 580	Discipline of Inmates
CD 590	Administrative Segregation
CD 700	Case Management (and Case Management Manual)
CD 770	Visiting
CD 782	Sharing Offender Related Information
CD 790	Temporary Absences

These policies specify that information be shared according to the circumstances of the respective processes. An example of this is found in Commissioner's Directive #500, Reception and Orientation of Inmates: ... *the inmate shall be given the reasons in writing for placement and an opportunity to respond prior to the transfer to the assigned penitentiary.*

CSC/NPB Memorandum of Understanding: Access by offenders to information on NPB decisions constitutes an important element of the Act. The Memorandum of Understanding between the Board and CSC has provided, among other things, the process to ensure that information is shared with the offender. Arrangements at the operational level are based upon agreements between CSC and NPB regional offices. In addition, CSC and NPB have jointly introduced a new control mechanism, a Sharing of Information Checklist. It identifies all reports received by the Board for an upcoming case, and is reviewed, and confirmed by the offender. If documents are missing, arrangements must be made to provide them. The offender has the option of deferring the review until he/she has had time to review the documents. The checklist must then be forwarded to the NPB, and a copy placed on the Case Management file in the institution. Information from NPB performance monitoring indicates that information was shared with the offender, as required in over 95% of cases.

ATIP Data

The Access to Information and Privacy Division of CSC responds to all formal requests from offenders filed under the *Privacy Act*. Since the inception of the CCRA, the annual number of formal requests to CSC and NPB for personal information under the *Privacy Act* has varied from 6300 to 8500.

TABLE 126
REQUESTS FOR INFORMATION UNDER THE PRIVACY ACT

	1992-93	**1993-94**	**1994-95**	**1995-96**	**1996-97**
CSC	8129	6434	6137	6372	6124
NPB	366	245	298	256	216
TOTAL	**8495**	**6679**	**6435**	**6628**	**6340**

Source: Annual Reports ATIP Program - CSC and NPB

The decline in requests in 1993-94 and subsequent years reflects the emphasis placed by CSC on informal access to information at the institution level. The vast majority of requests (over 6000 per year) are from offenders; however, figures include a small number which originate from staff (e.g. requests related to staff complaints or grievances).

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5.4.7 OFFICE OF THE CORRECTIONAL INVESTIGATOR

The mandate of the Office of the Correctional Investigator (OCI) as an ombudsman for federal corrections, is detailed in Part III of the CCRA.

The OCI was established in 1973 in response to the recommendations of a Commission of Inquiry into a series of disturbances at Kingston Penitentiary. The Correctional Investigator was initially appointed as a Commissioner pursuant to Part II of the *Inquiries Act* to assist in ensuring increased openness, accountability and fairness in correctional practices. The mandate of the OCI, at that time, was to investigate independently complaints from or on behalf of inmates, and to report upon problems of inmates that come within the responsibility of Solicitor General.

The CCRA while not significantly altering either the authority or role of the OCI from that which was provided for in 1973, established the "function" of the OCI as that of an ombudsman and clarified the authority and responsibilities of the Office within a well defined legislative framework. The "function" of the OCI is purposefully broad as detailed in section 167(1):

> to conduct investigations into the problems of offenders related to decisions, recommendations, acts or omissions of the Commissioner (of Corrections) or any person under the control and management of, or performing services for or on behalf of the Commissioner, that affects offenders either individually or as a group".

A key and central element of any ombudsman operation is the independence of the agency from the government organization it is mandated to investigate. This independence has traditionally been maintained by having the ombudsman report directly to the legislature.

The CCRA maintains the OCI's traditional reporting relationship through the Solicitor General to the Houses of Parliament. In so doing, the legislation has attempted to balance the need for Ministerial accountability for correctional operations with the need that the OCI be and be seen to be independent. To this end, the CCRA has afforded the OCI the flexibility of mandate and function associated with more traditional ombudsman operations and established a time frame and structure within which the Minister must present Reports from the OCI to Parliament.

The notion of righting a wrong is central to the ombudsman concept. This involves measurably more than simply responding to specific legal, policy or technical elements of the area of concern under review. It requires the provision of independent, informed and objective opinions on the fairness of the action taken so as to counter balance the relative strength of public institutions against the individual. The CCRA has provided within Part III, the key elements necessary to support this concept:

- independence from the government agency under review,
- access and confidentiality for those requiring assistance,
- substantial powers of investigation,
- authority to make recommendations considered appropriate, and
- provision for the public reporting on findings and recommendations.

Public reporting, as provided for within the CCRA, is essential in ensuring the principles of openness and accountability. It is the process of public reporting, particularly in areas where a resolution of the problem has not been achieved, that provides the ombudsman with a recourse to ministerial, parliamentary and public consideration of their findings and recommendations. This external consideration of issues, given the non-binding aspect of the recommendations, is central to an effective ombudsman operation. It has an additional

importance, within an environment like federal corrections, in emphasizing that the resolution of issues does not rest solely with CSC and the OCI. Part III of the CCRA has provided a legislative structure within which both the independence and the effectiveness of the OCI as an ombudsman can be maintained and promoted.

SUMMARY OF FINDINGS

The OCI supports a formal redress mechanism which provides inmates with a process for identifying issues and making complaints regarding their incarceration. In response to inmate complaints, the OCI intervenes with CSC to resolve issues and to address systemic factors which are the root of complaints. Madame Justice Arbour in commenting on the function of the OCI expressed support, stating:

> "It is clear to me that the Correctional Investigator's statutory mandate should continue to be supported and facilitated. Of all the outside observers of the Correctional Service, the Correctional Investigator is in a unique position both to assist in the resolution of individual problems, and to comment publicly on the systemic shortcomings of the Service."

The Auditor General's Report on the OCI released in December of 1997, while identifying areas for improvement also expressed support for the OCI in stating:

> "... the Office started with a loosely defined mandate under the *Inquiries Act* in 1973. It has since accumulated a set of practices that had not been subjected to any kind of review prior to our audit. We found that while these practices are often helpful in resolving individual complaints, they are not conducive to efficient and consistent handling of cases and have contributed to its adversarial relationship with Correctional Service of Canada.
>
> The Office operates in an environment where demand for its service is incessant and its relationship with Correctional Service Canada needs careful balancing. Our audit has led us to conclude that the Office needs to improve its strategies, policies and practices in order to effectively manage its workload, communicate with inmates, investigate inmates' problems thoroughly and maintain a balanced relationship with Correctional Service.
>
> Although we call attention to a number of problems in the organization, we would emphasize that the Office plays an important role in ensuring fairness for those serving sentences and in reducing the potential for unrest in Canada's prisons. The problems we have noted can and should be fixed so that the OCI can better play its role within the Canadian criminal justice system."

OPERATIONAL FOCUS

The primary function of the OCI is to investigate and bring resolution to individual offender complaints. The Office as well, has a responsibility to review and make recommendations on the Service's policies and procedures associated with the areas of individual complaint to ensure that systemic areas of concern are identified and appropriately addressed.

The Office since its inception has attracted experienced staff from a variety of backgrounds and disciplines. The Correctional Investigator at the present time has fifteen staff, ten of which are directly involved in addressing inmate complaints. The investigative staff, which are responsible for specific institutions, are rotated on a regular basis to assist in ensuring that both objectivity and an overview of correctional operations are present in our investigations. The current staff encompasses a range of disciplines from psychology through law and have come to the Office with extensive experience gained through correctional services, aboriginal affairs, policing, parole and other ombudsman offices.

All complaints received by the Office are reviewed and initial inquiries made to the extent necessary to obtain a clear understanding of the issue in question. After this initial review, in those cases where it is determined that the area of complaint is outside the OCI mandate, the complainant is advised of the appropriate avenue of redress and assisted when necessary in accessing that avenue. For those cases that are within the Office's mandate, the complainant is provided with a detailing of the CSC's policies and procedures associated with the area of complaint. An interview is arranged in those instances where the OCI determines it is necessary.

The offender is encouraged to initially address the concerns through CSC's internal grievance process. Although the OCI encourage the use of the internal grievance process, they do not insist on its use as a pre-condition to their involvement. If it is determined during the course of our initial review or the interview that the offender will not or can not reasonably address the area of concern through the internal grievance process or the area of complaint is already under review with CSC, the OCI will exercise its discretion and take whatever steps are required to ensure that the area of complaint is addressed. In addition to responding to individual complaints, the OCI meets regularly with inmate committees and other offender organizations and makes announced visits bi-annually at each institution during which the investigative staff will meet with any inmate, or group of inmates, on request.

The OCI, over the course of a year, receives about 6,500 complaints. The investigative staff spend approximately 350 days in federal penitentiaries and conduct in excess of 2,000 interviews with inmates and more than 1000 interviews with institutional and regional staff. The vast majority of the issues raised on complaint by inmates are addressed by the OCI at the level of the complainant and the staff at the institution through discussion and negotiation. In those cases where a resolution is not reached at the institutional level, the matter is referred to regional or national headquarters depending upon the area of concern, with a specific recommendation for further review and corrective action. If at this level CSC fails, in the opinion of the OCI, to address the matter in a reasonable and timely fashion, it will be referred to the Minister and eventually may be detailed within an annual or special report. The effectiveness of this process or any ombuds process is in large measure dependent upon the willingness of the government organization to respond to issues referred to their attention in a thorough, objective and timely fashion. The penitentiary environment places an additional onus on both the OCI and CSC to ensure that this process is in fact responsive. A detailing of the specific areas of complaint raised by offenders and the OCI's operations pre and post CCRA are provided at tables 127 and 128.

TABLE 127
INFORMATION ON OCI OPERATIONS

	1991	1997
Inmate population	11,960	14,420
Complaints	4,520	6,360
Inmate interviews	1,450	2,090
Days at penitentiaries	270	360
FSW population	130	300
S. 19 investigation reviews (C.C.R.A.)	-	100 plus
IERT/Cell extraction reviews	-	120
Outgoing correspondence	3,600	9,200

Source: OCI Database 1) S. 19 - Investigations into death and serious bodily injury 2) IERT - Institutional Emergency Response Team 3) FSW - Federally Sentenced Women – In 1991 involved 1 institution in 1 region. In 1997, involved 11 institutions in 4 regions.

All aspects of the OCI's workload increased from 1991 to 1997. During this time period, the OCI's resource base has remained constant. The increase in work is the result of an expansion of the inmate population, and the addition of new areas of responsibility. A significant portion of investigative time is taken up reviewing CSC investigations pursuant to s. 19 of the CCRA, into incidents resulting in death or serious bodily injury, and more recently in reviewing video tapes and documentation associated with Institutional Emergency

Response Team interventions. In addition, the increase in the number of institutions housing Federally Sentenced Women has added to both the OCI's workload and responsibilities.

TABLE 128
COMPLAINTS RECEIVED BY CATEGORY - 1996-97

TYPE	#		TYPE	#
Administrative Segregation			Information	
a) Placement	305		a) Access	103
b) Conditions	65		b) Correction	251
Case Preparation			Mental Health	
a) Parole	399		a) Access	27
b) Temporary Absence	106		b) Programs	6
c) Transfer	379		Other	54
Cell Effects	350		Pen Placement	91
Cell Placement	108		Private Family Visiting	243
Claims			Programs	235
a) Decisions	68			
b) Processing	51		Request for Information	289
Correspondence	73		Security Classification	110
Diet			Sentence Administration	65
a) Food Services	32			
b) Medical	21		Staff	281
c) Religious	18		Temporary Absence Decision	90
Discipline			Telephone	127
a) ICP Decisions	43			
b) Minor Court Dec.	22		Transfer	
			a) Decision	312
c) Procedures	143		b) Involuntary	254
Discrimination	19		Use of Force	42
Employment	121		Visits	263
Financial Matter			Outside Terms of Reference	6142
a) Access to Funds	67			
b) Pay	242		National Parole Board Decisions	176
Grievance Procedure	173		Outside Court	24
Health Care			Provincial Matter	24
a) Access	258			
b) Decisions	236		Total	6366

Source: OCI Database

OPERATIONAL ISSUES

Based on review by the Auditor General, the OCI has developed plans to enhance operational effectiveness for responding to inmate issues and complaints, consistent with the CCRA.

Workload Management and Priority Setting : The OCI has a small staff which must deal with significant workloads. According to the Report of the Auditor General the demand for its services is incessant. In 1996/97, the OCI received about 7000 contacts from inmates and their families or friends. OCI data estimate that caseloads for investigative staff average about 850 contacts per year. In addition, these staff members must address responsibilities from legislative change and other initiatives. In this environment, it is essential that the OCI set priorities and develop a plan for meeting these priorities. Work is underway to develop this plan.

In order to manage with a static resource base, the OCI has reduced resources formerly allocated to responding to initial telephone inquiries and has shifted emphasis to ensuring more frequent institutional visits

and effective written communication with offenders and their representatives. The OCI is also collaborating with the Service to reduce to a minimum the amount of unnecessary overlap with the CSC redress system.

Communications Strategy : Currently, the OCI uses information in CSC's induction package to inform inmates of the existence of a complaints process and the role and independence of the OCI in this process. The OCI also sends its Annual Report to the inmate library in all institutions and seeks feedback on the Report from selected inmates and inmate committees.

Investigative staff visit CSC institutions every 6 to 8 weeks to promote access and provide information for offenders. Face to face meetings with individual inmates are essential for offenders with limited social skills in order to provide them with a chance to raise their concerns. In recent years, as noted by the Auditor General, visits by OCI staff to institutions have not been as frequent as planned. It is essential that the OCI service is well known, and that this service is accessible to all those who need it. In this context, further work is underway to develop and implement an action plan for communicating the information necessary to facilitate access to OCI services and build understanding of the OCI's role. The OCI will also increase its presence at institutions and examine the feasibility of designing information packages, in cooperation with CSC, to address the literacy, learning disability and language challenges identified by the Auditor General.

Investigation Procedures : The function of the OCI is to conduct investigations into the problems of offenders. According to the Act, a "problem" exists when a decision or action by CSC staff is inconsistent with the law or an established policy, or is unreasonable, oppressive or discriminatory. Determination of the existence of a "problem" is a difficult challenge in this context.

Review by the Auditor General identified a need for improvement in policy and procedure governing investigation and the decision to conduct an investigation. Work is underway to develop a policy framework which will enhance the effectiveness of OCI investigations in areas required by law. Policy and procedures will focus on identifying the point at which contacts or inquiries become a problem and in characterizing these problems and subsequent follow-up in terms consistent with the legislative provisions.

Working Relationships : The OCI has wide powers of investigation and unfettered access to CSC information and facilities. With these tools, the OCI can establish facts and present a case to CSC. The effectiveness of the OCI reflects, to a degree, the ability to use these tools analytically and persuade CSC to take reasonable action. Over the years, CSC has made substantive changes to policies and practices in certain areas based on OCI information. There have also been instances where the debate regarding change has been lengthy, straining working relationships for CSC and the OCI. The OCI and CSC have begun to develop a Memorandum of Understanding to clarify expectations in terms of content of communications, timeframe and methods of addressing disputes on facts, policy and law. This exercise is intended to yield a more effective process for resolving both individual and systemic areas of inmate complaint, and support an effective working relationship. It must be recognized however, that even with the development of a more effective process, not all issues will be reasonably addressed. It must further be recognized, given the potential impact of administrative decisions within the correctional environment, that there is a need to ensure timely and responsive corrective action in instances of illegalities and unfairness.

The OCI is neither an agent of CSC nor the advocate of every complainant or interest group that lodges a complaint. The Office is mandated to investigate complaints from an independent and neutral position, consider thoroughly the Service's action and the reasons behind it, and either endorse or explain that action to the complainant or if there is evidence of unfairness, make an appropriate recommendation concerning corrective action. The interest of the OCI lies in ensuring that inmate concerns are objectively and fairly addressed in a timely fashion.

5.5 SPECIAL GROUPS, SPECIAL NEEDS

The CCRA was designed to provide a strategic, integrated approach to corrections and conditional release – an approach that recognized the importance of rehabilitation and quality risk assessment as a foundation for public protection. Consistent with this approach, the Act recognized the need for legislative and operational flexibility to ensure that programs, treatment and decision-making address the diverse needs and circumstances of the offender population and groups within the offender population.

In particular, the CCRA recognized the need to address longstanding challenges related to Aboriginal offenders and women offenders. The Act set requirements for policies and programs to meet the needs of these groups. With respect to Aboriginal offenders the Act also provided a framework for greater involvement of Aboriginal communities in strategies for managing Aboriginal offenders.

The Act also recognized the importance of effective delivery of health services by CSC, and the relationship of health services to offenders' needs and to correctional decision-making.

5.5.1 ABORIGINAL OFFENDERS

The CCRA recognizes the unique circumstances and special needs of Aboriginal offenders and requires CSC and NPB to develop policies and programs which are sensitive to these circumstances and needs. The Act requires CSC to ensure that Aboriginal spirituality, spiritual leaders and elders are accorded the same status as other religions, and religious leaders. The Act also requires CSC to maintain a National Aboriginal Advisory Committee. The CCRA enables Aboriginal communities to be involved in the release plans of offenders seeking parole in an Aboriginal community, and enables the Minister to make formal arrangements with Aboriginal communities for the care and custody of Aboriginal offenders.

SUMMARY OF FINDINGS

Aboriginal people are over-represented in federal corrections. They comprise about 3% of Canada's population; however, on March 31, 1997, they accounted for about 12% of the total federal population, and 15% of the incarcerated population.

Aboriginal offenders are more likely to serve their sentence in institutions than in the community. Aboriginal offenders are released on day parole at about the same proportion as non-aboriginals; however, they are less likely to be released on full parole, and more likely to be released on SR. When granted full parole, they receive it later in their sentence and are more likely to be returned to imprisonment for a violation of supervision conditions. In addition, Aboriginal offenders are more likely to be referred for detention.

Based on risk assessment factors such as the risk/need assessment score, offence profile, and number of prior federal penitentiary terms, Aboriginal offenders pose a higher risk to reoffend. Data on conditional release success indicated, however, that they are not more likely to be revoked for a new offence than non-aboriginal offenders. Due to their criminal history, they are less likely to be eligible for accelerated parole review which could have some impact on the differences found in time served prior to full parole release. In addition, Aboriginal offenders are more likely to waive their full parole review. This could account for some of the variations in time served past parole eligibility for Aboriginal and non-aboriginal offenders.

Since the CCRA, the Board and CSC have developed numerous initiatives to address the serious challenges surrounding Aboriginal involvement in federal corrections and conditional release. CSC has developed a range of programs designed to meet the needs of Aboriginal offenders, and to contribute to their reintegration in the community. A national policy on Aboriginal programming has been developed and core programs (i.e. programs to address criminogenic factors) are a priority and have been implemented. Special purpose programs have also been put in place.

NPB has developed and implemented policies and alternate conditional release decision models which respect Aboriginal culture and values. The Board initiated elder-assisted hearings in the Prairies in 1992, and in the Pacific region in 1996. Elders play an important role in these hearings which apply restorative approaches and comprise panels with Aboriginal and non-aboriginal Board members. Elders ensure that Board members understand and consider the cultural perspectives of Aboriginal offenders, and the role of Aboriginal programs, ceremonies and rituals.

CSC has established an Aboriginal Advisory Committee with a sufficiently broad mandate to examine any correctional matter it deems relevant. Work has also been carried-out for implementation of section 81 and section 84 agreements, i.e. agreements paving the way for Aboriginal communities to take responsibility for Aboriginal offenders. The policy framework for section 81 agreements is currently the subject of internal and external consultation.

BACKGROUND

Aboriginal involvement in the criminal justice system has been a long-standing concern. In March, 1987, a Task force was established to "...identify the needs of Aboriginal offenders, and to identify ways of improving their opportunities for social reintegration as law-abiding citizens". The Task Force's findings indicated that there was a dearth of good statistical information to evaluate the full extent of Aboriginal representation in the justice system. Also observed was that Aboriginal offenders: were less likely to be granted parole; were granted parole later in their sentence; and were more likely to have their parole revoked. The Task Force provided 63 recommendations for improving the situation of Aboriginal people in the justice system.

There have been numerous other federal and provincial studies, inquiries, reports, and a Royal Commission which arrived at similar conclusions. Many of the authors, while observing the apparently unequal treatment of Aboriginal offenders by the criminal justice system, have commented on the unique historical and socio-demographic circumstances of Aboriginal peoples. Despite many criminal justice reforms designed to address issues related to Aboriginal offenders, over-representation continues.

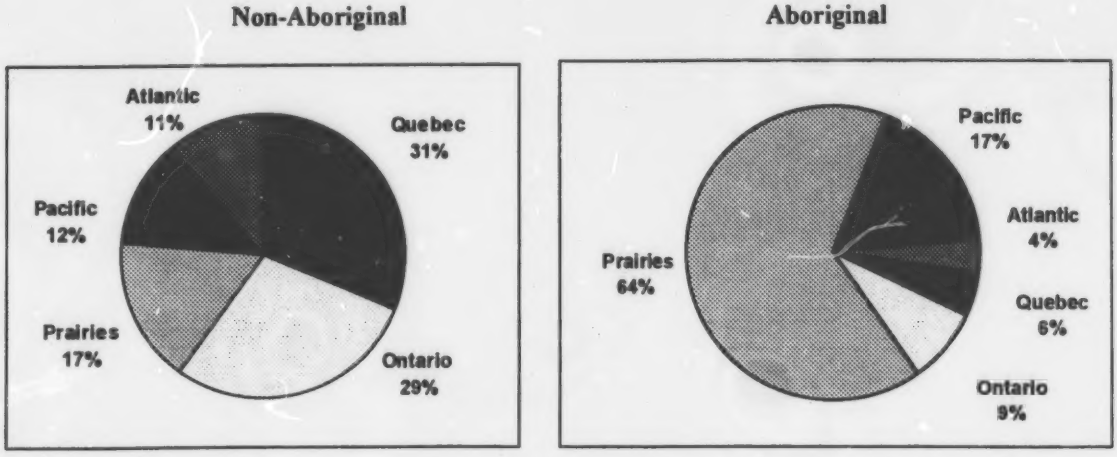
Evaluations of the detention provisions of the Act indicated that although CSC referred a higher proportion of Aboriginal offenders to the Board for detention, the detention rate of Aboriginal and non-aboriginal offenders has been comparable. The evaluators postulated that the Board's decision to detain was influenced by factors such as a history of violent behaviour, and the availability of supervision programs.

GENERAL TRENDS FOR ABORIGINAL OFFENDERS

Offender Population: On March 31, 1997, the federal offender population totalled about 23,200. Of this total, about 2,900 or 12% were Aboriginal offenders. In comparison, Aboriginal people comprise about 3% of Canada's population. While Aboriginal offenders represent 12% of the total federal offender population, they make-up only about 9% of the conditional release population, but 15% of the incarcerated population.

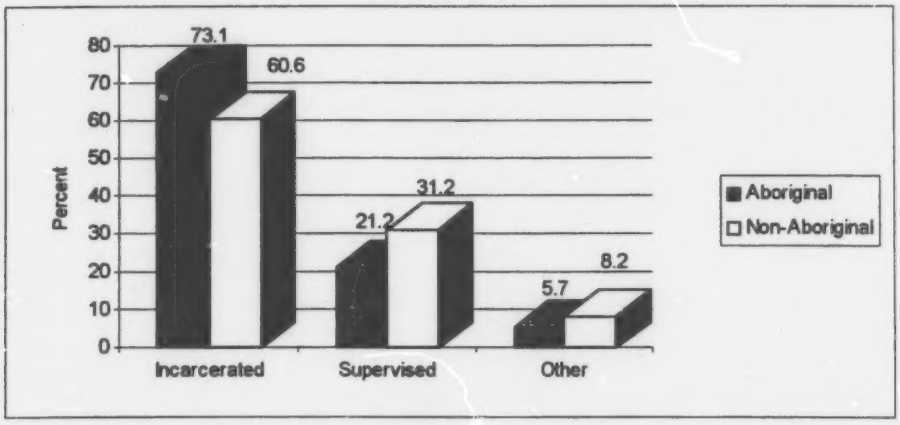
Regional Distribution: There is significant variation in the number and proportion of Aboriginal offenders across the regions. The distribution on March 31, 1997, ranged from 4% in the Atlantic to 64% in the Prairie region. Given the small number of Aboriginal offenders in the Atlantic, Quebec and Ontario regions, it may be difficult to support the level of programming offered in the western regions.

FIGURE 20
REGIONAL DISTRIBUTION OF FEDERAL ABORIGINAL AND NON-ABORIGINAL OFFENDERS, MARCH 31, 1997



Offender Status: Aboriginal offenders are more likely than non-aboriginal offenders to be serving their sentence in an institution. On March 31, 1997, almost three-quarters (73%) of Aboriginal offenders were incarcerated compared to 61% of non-aboriginal offenders. On the same date, 21% of the Aboriginal population were on some form of conditional release compared to 31% of non-aboriginals.

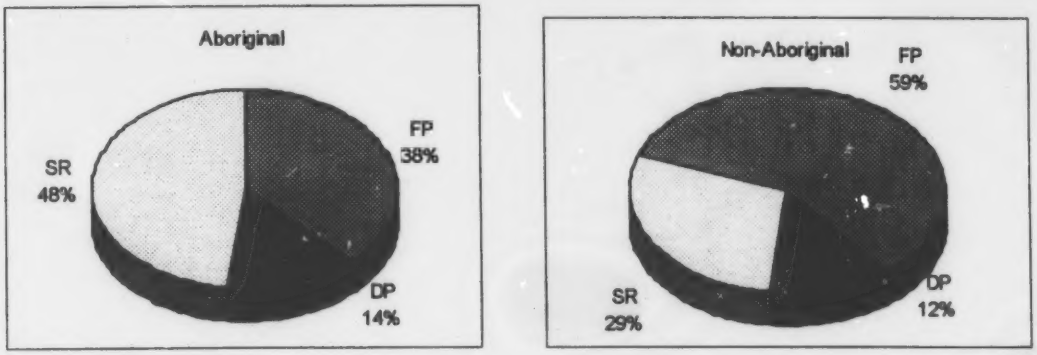
FIGURE 21
FEDERAL ABORIGINAL AND NON-ABORIGINAL OFFENDERS INCARCERATED AND UNDER SUPERVISION, MARCH 31, 1997



Supervised Population By Release Type: On March 31, 1997, similar proportions of Aboriginal and non-aboriginal offenders were in the community on day parole (12% - 14%). A significantly smaller proportion of Aboriginal offenders, however, was on full parole, while a greater proportion was on SR. The higher proportion of Aboriginal offenders on SR may partially account for the greater proportions incarcerated, as offenders released on SR serve a larger percentage of their sentence incarcerated. Of the Aboriginal offenders on conditional release on March 31, 1997, 14% were on day parole, 38% were on full parole, and 48% were

on SR. Comparable figures for the non-aboriginal supervised population are: 12%, day parole; 59%, full parole; and 29%, SR.

FIGURE 22
ABORIGINAL AND NON-ABORIGINAL OFFENDERS UNDER FEDERAL SUPERVISION BY CONDITIONAL RELEASE TYPE, MARCH 31, 1997



REINTEGRATION - FACTORS INFLUENCING RELEASE

Researchers have commented that differential risk factors could, in part, account for some of the variations in release types for Aboriginal and non-aboriginal offenders. Factors such as the risk/need assessment score, offence history, and number of prior federal penitentiary terms showed that Aboriginal offenders posed a higher risk.

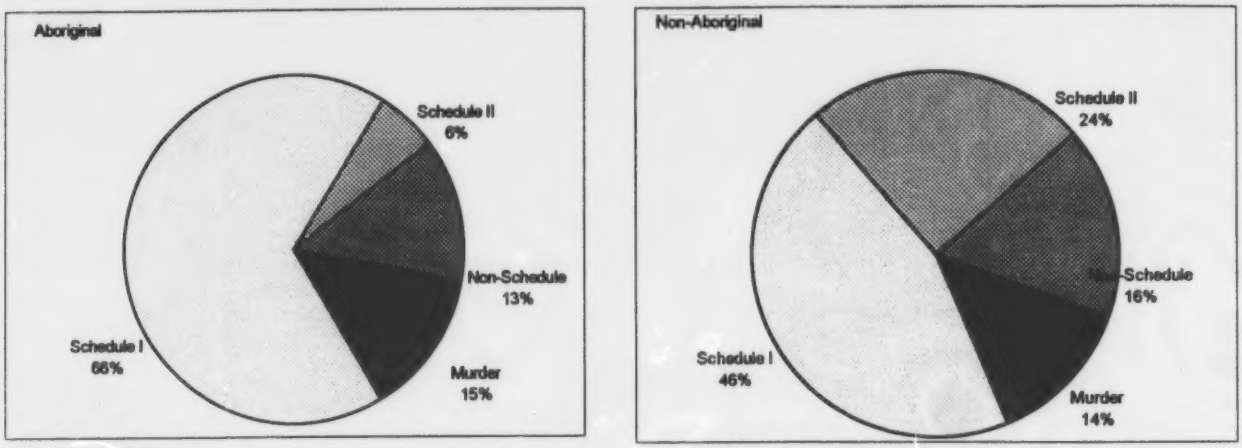
Risk/Needs Assessment: Based on data for 1996/97, most of the incarcerated population (96%) had received a risk/needs assessment. Within this population, Aboriginal inmates comprise larger proportions of high risk profiles (70%) than non-aboriginal inmates (58%). High risk/high need inmates comprise 61% of the incarcerated Aboriginal population but only 45% of the non-aboriginal population in institutions.

TABLE 129
RISK/NEEDS PROFILE (%) – ABORIGINAL AND NON-ABORIGINAL INMATES

	NS	LR/LN	LR/MN	LR/HN	LR	MR/LN	MR/MN	MR/HN	MR	HR/LN	HR/MN	HR/HN	HR
Aboriginal	4	1	2	1	4	1	13	8	22	1	8	61	70
Non-aboriginal	4	4	4	1	9	2	16	11	29	1	12	45	58

Offence History: Researchers have suggested that the offence profile of Aboriginal offenders could account for the lower parole grant rates. A similar finding was reported by CSC/NPB (1995) with respect to Aboriginal offenders' over-representation in detention referrals. Analysis of the original commitment offences of federal offenders on conditional release on March 31, 1997, revealed that a significantly higher proportion of Aboriginal offenders (66%) had been incarcerated for schedule 1 (violent) offences compared to non-aboriginal offenders (46%).

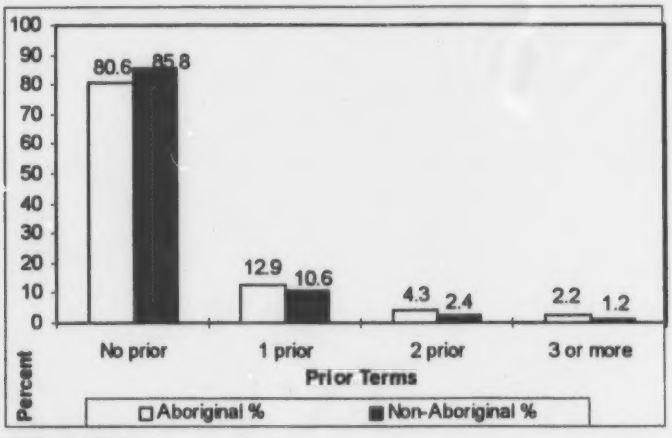
FIGURE 23
ORIGINAL COMMITMENT OFFENCE FOR ABORIGINAL AND NON-ABORIGINAL OFFENDERS ON CONDITIONAL RELEASE, MARCH 31, 1997



Source: EIS

Prior Federal Penitentiary Terms: Aboriginal full parolees were more likely than non-aboriginals to have prior incarcerations. Fewer Aboriginal (81%) than non-aboriginal (86%) offenders on federal full parole had no prior federal term. Almost 13% of Aboriginal full parolees had one prior incarceration compared with about 11% for non-aboriginal, while almost twice as many Aboriginal (6.5%) as non-aboriginal (3.6%) offenders had two or more prior terms.

FIGURE 24
PRIOR FEDERAL PENITENTIARY TERMS FOR ABORIGINAL AND NON-ABORIGINAL OFFENDERS ON FULL PAROLE



Source: OMS

Federal Grant Rates: From 1992/93 to 1995/96, day parole grant rates were consistently lower for Aboriginal offenders than non-aboriginals and the difference in rates widened from 6% in 1992/93 to 8% in 1995/96. In 1996/97, day parole grant rates rose for both groups, but more for Aboriginals, with the result that rates for Aboriginal (67%) and non-aboriginal (66%) offenders were almost equal. Larger disparities were

noted in federal full parole. Grant rates were lower for Aboriginal offenders than non-aboriginals, by as much as 11% in 1994/95 and 1995/96, before moving closer together in 1996/97 (6% difference).

TABLE 130
FEDERAL DAY AND FULL PAROLE GRANT RATES FOR ABORIGINAL AND NON-ABORIGINAL OFFENDERS, 1992/93 TO 1996/97

Year	Day Parole		Full Parole	
	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
	Grant Rate	Grant Rate	Grant Rate	Grant Rate
1992/93	60%	66%	31%	37%
1993/94	61%	65%	31%	38%
1994/95	53%	60%	22%	33%
1995/96	51%	59%	23%	34%
1996/97	67%	66%	34%	40%

Source: OMS

Federal Full Parole: Fewer federal full parole reviews for Aboriginal offenders (32%) were APR than for non-aboriginal offenders (36%). As expected, the rates of directed release for APR for Aboriginal and non-aboriginal offenders were higher than grant rates for regular full parole for these groups. The rate of directed release for non-aboriginal, however, has been considerably higher than the Aboriginal rate. In 1996/97 for example, the regular full parole grant rate for Aboriginal offenders was 21% and the rate of directed release following APR was 73%. For non-aboriginal offenders, the regular full parole grant rate was 22%, while the rate for APR was 84%. The combined rates for Aboriginal and non-aboriginal offenders in 1996/97 were 34% and 40% respectively.

Provincial Grant Rates: While there has been a downward trend in the provincial day parole grant rates for all offenders over the past five years, the decline was greater for Aboriginal offenders (from 59% to 40%) compared to non-aboriginal offenders (66% to 55%). Throughout the review period, the provincial day parole rate for Aboriginals was lower than the rate for non-aboriginals.

From 1992/93 to 1995/96, the provincial full parole grant rate for Aboriginal offenders fell from over 40% to 29%. Corresponding rates for non-aboriginal offenders dropped from 66% to 52%. Rates for non-aboriginals were consistently higher than rates for Aboriginals; however, the decline in the rate for non-aboriginals was sharper than the decline for Aboriginals.

TABLE 131
PROVINCIAL DAY AND FULL PAROLE GRANT RATES FOR ABORIGINAL AND NON-ABORIGINAL OFFENDERS, 1992/93 TO 1995/96

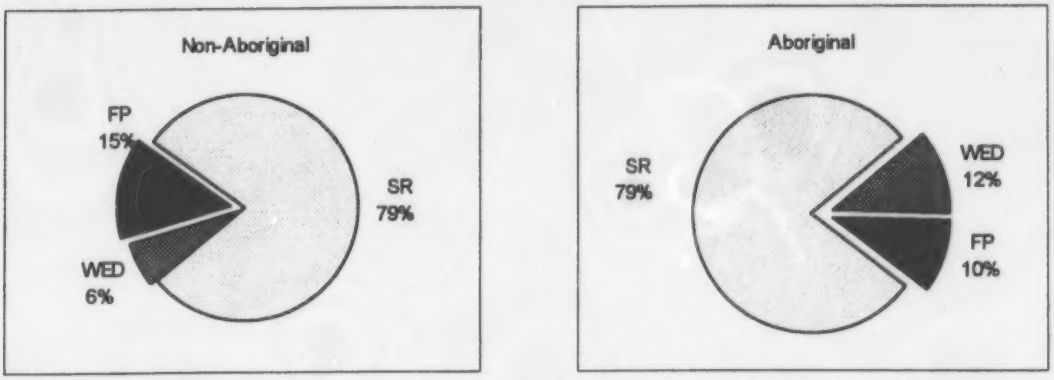
Year	Day Parole Grant Rates		Full Parole Grant Rates	
	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
1992/93	59%	66%	42%	66%
1993/94	56%	58%	43%	66%
1994/95	49%	53%	29%	55%
1995/96	40%	55%	39%	52%

Source: OMS

Full Parole Release Rate: Another methodology for examining Aboriginal and non-aboriginal conditional release is the full parole release rate - the proportion of releases on full parole compared with other release types with potential for ending at warrant expiry (i.e. excluding day parole). Findings revealed that Aboriginal offenders were less likely to be released on full parole than on SR, and more likely to be released at warrant

expiry. For example, in 1996/97 the proportion of Aboriginal offenders released to full parole was about 10% compared to 15% for non-aboriginal offenders. Also indicated, was that Aboriginal offenders (12%) were more likely to be released at their warrant expiry date than non-aboriginal offenders (6%).

FIGURE 25
RELEASES OF FEDERAL ABORIGINAL AND NON-ABORIGINAL OFFENDERS ON FULL PAROLE, STATUTORY RELEASE, AND WARRANT EXPIRY 1996/97



Over the period 1992/93 to 1996/97, the overall proportion of Aboriginal federal full parole releases declined from 22% to 10% while the full parole release rate for non-aboriginal offenders decreased from 40% to 15%. The decline in the proportion of full parole releases (22% to 10%) for Aboriginal offenders was smaller than the decline for non-aboriginal offenders (40% to 15%); however, the release rate for Aboriginal offenders was consistently lower. These findings may partially explain the larger proportion of Aboriginal offenders in institutions and the greater non-aboriginal supervision population. Offenders released on SR or warrant expiry serve a greater proportion of their sentence in institutions. These figures should, however, be interpreted with caution as the number of releases to SR could be inflated. Offenders released on SR are more likely to be revoked than those released on parole, and offenders revoked on SR could be released more than once a year.

TABLE 132
RELEASE OF ABORIGINAL AND NON-ABORIGINAL OFFENDERS ON FULL PAROLE, STATUTORY RELEASE, AND WARRANT EXPIRY, 1992/93 – 1996/97

Year	Aboriginal				Non-Aboriginal			
Release Type	FP	SR	WED	FP Proportion of Releases	FP	SR	WED	FP Proportion of Releases
1992/93	191	534	135	22%	2,349	3,105	434	40%
1993/94	130	622	75	16%	1,211	2,896	207	28%
1994/95	66	684	96	8%	862	3,231	274	20%
1995/96	71	673	107	8%	848	3,786	311	17%
1996/97	98	788	116	10%	750	4,029	329	15%

Proportion Of Sentence Served Prior To First Day And Full Parole: Offenders become eligible for full parole after serving one-third of their sentence. Over the five year period 1992/93-1996/97, the average proportion of sentence served prior to first release on full parole for definite sentenced non-aboriginal offenders was about 39%, compared to 41% for Aboriginal offenders. Over this same period, the proportion of sentence served by non-aboriginal offenders prior to first day parole was 32% compared to 34 % for Aboriginal offenders.

TABLE 133 PROPORTION OF DEFINITE SENTENCE SERVED PRIOR TO FIRST DAY AND FULL PAROLE RELEASE BY REGION, 1992/93-1996/97				
	Day Parole - % of Sentence Served		Full Parole - % of Sentence Served	
Region	Aboriginal	Non-Aboriginal	Aboriginal	Non-Aboriginal
Atlantic	35%	31%	45%	39%
Quebec	31%	32%	41%	39%
Ontario	31%	31%	39%	39%
Prairie	34%	31%	40%	38%
Pacific	36%	37%	42%	38%
Canada	**34%**	**32%**	**41%**	**39%**

*excludes 4 cases where the region was unknown Source: OMS

Full Parole Waiver Rate: Several Inquiries and Reports (Manitoba, 1991; Law Commission of Canada, 1991; Solicitor General Canada, 1988) expressed concern over the number of waivers by Aboriginal offenders. Findings showed that fewer Aboriginal offenders are granted full parole and that they serve a greater proportion of their sentence prior to release. One factor that could account for these differences is the higher rate at which Aboriginal offenders waived their federal full parole hearing. Data for 1996/97 indicated that 8,178 federal offenders were scheduled for at least one full parole pre-release decision. Overall, about one-third of these reviews were waived. Aboriginal offenders (49%) were significantly more likely to waive their full parole review than non-aboriginal offenders (30%) nationally, and in each region.

TABLE 134 ABORIGINAL AND NON-ABORIGINAL OFFENDERS FEDERAL FULL PAROLE WAIVER RATE, BY REGION, 1996/97				
Region	Aboriginal		Non-Aboriginal	
	Waived		Waived	
	Number	Percent*	Number	Percent*
Atlantic	26	52	312	36
Quebec	24	34	393	17
Ontario	46	43	674	33
Prairies	340	49	376	33
Pacific	102	57	373	51
Total	538	49	2128	30

* Percent based on the number of offenders with scheduled and completed reviews. Source: OMS
The figures for Aboriginal offenders in the Atlantic, Quebec, and Ontario regions should be interpreted with caution because of the small numbers.

PUBLIC SAFETY - OUTCOMES OF RELEASE

Analysis of several factors thought to be predictive of recidivism indicate that Aboriginal offenders pose a greater risk to reoffend than non-aboriginal offenders. Aboriginal offenders had higher risk/need assessment scores, on admission, more violent offences, and more terms of federal incarceration than non-aboriginal offenders. Statistical analysis revealed that Aboriginal offenders were less likely to complete their supervision period and more likely to be revoked for a technical violation than non-aboriginal offenders. These findings suggest that Aboriginal offenders may pose a higher risk; however, it was impossible from the data available to identify whether the apparent increased level of risk was real or perceived, or whether risk management standards were consistent across regions and ethnicity. Data for 1996/97 are used as example.

Day Parole: Aboriginal day parolees were less likely to complete their day parole supervision period in the community (77%) compared to non-aboriginal day parolees (83%). While Aboriginal day parolees (20%) were more likely to be revoked for a technical violation than non-aboriginal day parolees (14%), they were

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Prairie	34%	31%	40%	38%
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Day Parole: Aboriginal day parolees were less likely to complete their day parole supervision period in the community (77%) compared to non-aboriginal day parolees (83%). While Aboriginal day parolees (20%) were more likely to be revoked for a technical violation than non-aboriginal day parolees (14%), they were

slightly less likely (2.8%) to be revoked for a new offence (4%), for a non-violent offence (2.5% compared to 3.1%) and for a violent offence (0.3%) than non-aboriginal day parolees (0.9%).

Full Parole: In fiscal 1996/97, 53% of Aboriginal offenders completed their full parole supervision compared to 66% of non-aboriginal full parolees. The rate of revocation for a technical violation for Aboriginal full parolees was 33% compared to 21% for non-aboriginal full parolees. Aboriginal full parolees were slightly more likely to be returned to a penitentiary for a new offence than were non-aboriginal full parolees (12% versus 11%). For Aboriginal full parolees the rate of revocation for a violent offence was 1% and the non-violent rate was 11%. Comparative figures for non-aboriginal full parolees were 2% for a violent offence and 9% for a non-violent offence.

TABLE 135
SUCCESS RATES - 1996/97

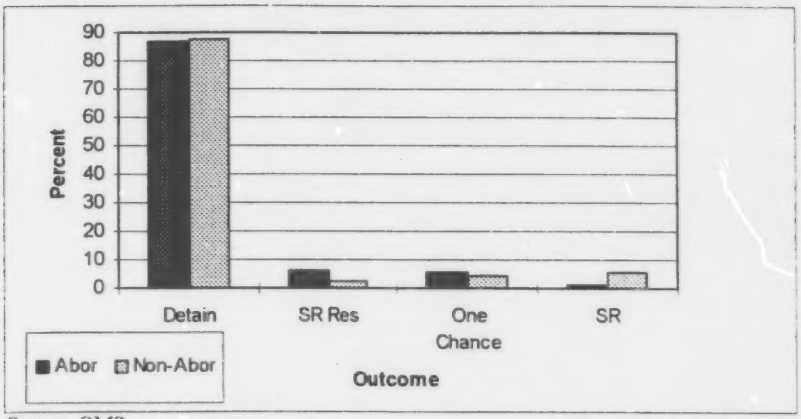
Outcome*		Day Parole			Full Parole			Statutory Release		
		Abor	Non-Abor	Total	Abor	Non-Abor	Total	Abor	Non-Abor	Total
Success										
Completed	#	244	2,334	2,578	105	1,463	1,568	382	2,491	2,873
	%	77	83	82	53	66	65	48	58	56
Technical	#	64	387	451	65	468	533	308	1,238	1,546
Revocation**	%	20	14	14	33	21	22	39	29	30
Total	#	308	2,725	3,033	173	1,974	2,174	697	3,786	4,483
	%	97	96	96	88	89	89	88	88	88
Recidivism										
Non-Violent	#	8	76	84	21	193	214	79	434	513
	%	2.5	3.1	3	11	9	9	10	10	10
Violent***	#	1	25	26	3	39	42	14	95	109
	%	0.3	0.9	0.8	1	2	2	2	2	2
Total	#	**9**	**101**	**110**	**24**	**232**	**256**	**43**	**529**	**622**
	%	**2.8**	**4**	**4**	**12**	**11**	**11**	**12**	**12**	**12**
Total		**317**	**2,826**	**3,143**	**197**	**2,206**	**2,403**	**790**	**4,315**	**5,105**

*Release outcome is based on the total number of completions for each release type for the year. The rate is calculated by dividing the total number of completions for each release type over the fiscal year by the number of specific completion types (supervision end date, {WED}, revocation without a new offence, and revocation with a new offence) for each release type.
**Includes: death, supervision inoperative, supervision interrupted, and suspension.
***Violent offences includes Schedule 1 offences and first and second degree murder.

Statutory Release: Slightly less than one-half (48%) of Aboriginal offenders released on SR successfully reached their WED compared to 58% of non-aboriginal offenders. As with Aboriginal offenders on other release types, a higher proportion were revoked for technical violations (39% versus 29%), however, the same proportion (12%) of Aboriginal and non-aboriginal offenders on SR were revoked for a new offence. Of the Aboriginal offenders revoked from SR for a new offence, 10% were returned for a non-violent offence and 2% for a violent offence, the same proportion as non-aboriginal offenders on SR.

Detention: Over the period 1989/90 to 1996/97, 2,597 cases were referred to NPB for a detention review. About one-quarter (25.3% or 656) were for Aboriginal and 74.7% (1,593) were for non-aboriginal offenders. Overall, the Board voted to detain offenders in 87% of cases, while 6% of referrals were given one-chance SR, 5% were given statutory release with residency, and 2% were released on regular SR. Both groups were detained at the same rate (86.7% of Aboriginal and 87.4% of non-aboriginal offenders). Aboriginal offenders were, however, slightly less likely to be released on regular SR (1.1% versus 2.6%) and slightly more likely to be given SR with a residency condition (6.3% versus 4.4%).

FIGURE 26
OUTCOME OF INITIAL DETENTION REVIEWS, 1989/90-1996/97



Source: OMS

Over the five year period 1992/93 to 1996/97, 1,948 subsequent reviews were conducted by the NPB. Board members voted to confirm the detention in 86.9% of the cases, while they voted residency in 6% and one-chance statutory release in 1.3% of the cases. There was little difference in the proportions of both groups who had their detention confirmed (86.5% of Aboriginal and 87% of non-aboriginal offenders). Similar to the findings for initial reviews, a slightly higher percentage of non-aboriginal (1.5%) than Aboriginal (0.6%) offenders were given one chance statutory release, while more Aboriginal offenders were released with a residency condition (7.9% versus 5.4%).

POLICIES AND PROCESSES FOR ABORIGINAL OFFENDERS - NPB

Board Personnel: In recent years, the number of Board members and staff of Aboriginal ancestry has increased. In February 1998, 5 or 14% of full-time Board members were self identified as Aboriginal and 5 or 10% of NPB's part-time Board members were self-identified as Aboriginal. With respect to staff, 3% were self-identified as Aboriginal in origin, and almost 10% of staff in the Prairies were Aboriginal in origin.

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NUMBER AND PERCENTAGE OF ABORIGINAL NON-ABORIGINAL BOARD MEMBERS AND STAFF BY REGION, FEBRUARY, 1998

Region	Board Members							Staff		
	Aboriginal						Non-Aboriginal	Aboriginal	Non-Aboriginal	Percent Aboriginal
	Full Time		Part Time		Total Aboriginal		Non-Aboriginal			
	#	%	#	%	#	%				
HQ	0	0.0	0	0.0	0	0.0	5	3	101	2.9
Atlantic	0	0.0	2	25.0	2	16.7	10	0	30	0.0
Quebec	0	0.0	0	0.0	0	0.0	16	1	46	2.1
Ontario	0	0.0	1	8.3	1	5.3	18	0	40	0.0
Prairies	3	33.3	2	20.0	5	26.3	14	5	44	10.2
Pacific	2	40.0	0	0.0	2	14.3	12	1	23	4.2
Total	**5**	**13.9**	**5**	**10.2**	**10**	**11.8**	**75**	**10**	**284**	**3.4**

Source: OMS

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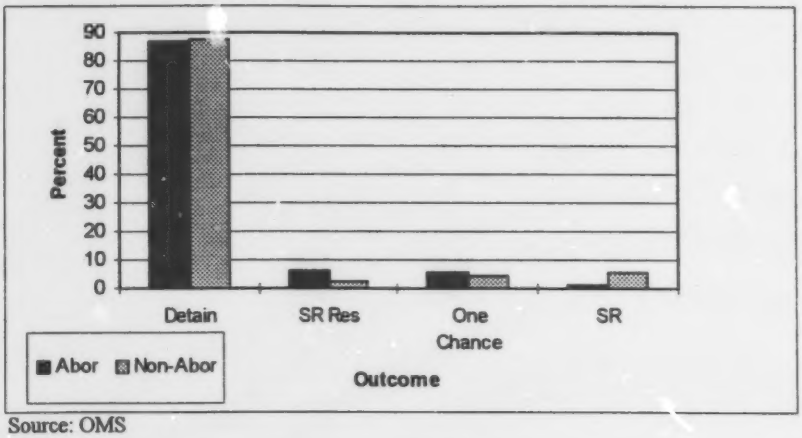

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Source: OMS

The Board supports the recruitment, selection, and appointment of more Aboriginal Board members and staff. Notice of Board member vacancies is advertised in the Canada Gazette. Vacancies are also communicated to Aboriginal communities and Elders familiar with the Board. In addition, representatives of Aboriginal communities are invited to assist the Board to identify qualified candidates.

A priority for the Board is the provision of cultural awareness training to all Board members and staff to ensure they are sensitive and responsive to the cultures, values, and social realities of Aboriginal offenders. The selection criteria for Board members require knowledge of and sensitivity to "ethno-cultural differences". The appointment of Board members is the jurisdiction of the Governor-in-Council. The NPB has developed a Board Member Profile Document to identify by region, the number and percentage of Aboriginal Board members that would be required to ensure Aboriginal representation.

Conditional Release Decision Making: The CCRA provides support for the development of innovative approaches for Aboriginal offenders. Implementation of culturally sensitive models for conditional release decision making for Aboriginal offenders has been an on-going priority. In 1992, the Board initiated Elder-assisted hearings in the Prairies region. These hearings have been expanded to the Pacific region and are being considered in the Ontario region. Elder-assisted hearings are based on the restorative approach with panels comprised of Board members of Aboriginal and non-aboriginal ancestry who conduct hearings in a culturally sensitive manner, with an Elder's assistance. Perceptions of these hearings have been positive.

Elders play an important role in conditional release hearings. They ensure that Board members understand and take into consideration cultural nuances, the cultural perspective of Aboriginal offenders, and the role of Aboriginal specific programs, ceremonies and rituals. A recent initiative in the Ontario and Atlantic regions includes the participation of Native Liaison Officers at hearings to clarify cultural and community issues.

As part of the Aboriginal Community Corrections Initiative, in partnership with CSC and Aboriginal communities, the Board is exploring other program initiatives. The first 'hearing circle' was held in the Prairie region, in April, 1997. Other culturally sensitive initiatives incorporating restorative justice approaches and Aboriginal holistic healing will be investigated. Recognizing the diversity of Aboriginal peoples, the Board attempts to use Elders representing differing needs and concerns of the offender's specific tribe or people at hearings. Where possible and appropriate, Inuit Elders or representatives of the Inuit community are included at hearings.

Risk Assessment: The Board requires high quality, accurate, and culturally sensitive information to make conditional release decisions. Where available, the Board uses professionals of Aboriginal ancestry for assessments of Aboriginal offenders. The Board must also interpret this information during hearings. Board members are provided with training, information, and exposure to Aboriginal ceremonies and teachings to ensure their understanding of and assessment of an offender's healing through participation in Aboriginal programming. Information related to an offender's healing, and work with Elders is an important component of the risk assessment process. The Statistical Information on Recidivism (SIR) scale used by the Board to assess an offender's likelihood of recidivating has not been applied in assessments for Aboriginal offenders. Research validating this assessment tool for Aboriginal offenders has been undertaken and the Board will revisit the question of whether this tool should be used in the cases of Aboriginal offenders.

Sensitivity Training For Board Members And Staff: NPB is committed to cultural awareness training to ensure that Board members and staff have a greater understanding of the cultural circumstances of Aboriginal offenders. Sensitization is vital to the conditional release process. Board members need this knowledge to assess readiness for release. A number of cultural awareness initiatives have been undertaken:

- The Board has used General Board meetings and regional meetings to provide members and staff with information and sensitivity training on various Aboriginal issues. Aboriginal workshops were a significant

part of numerous General Board meetings. In addition, one day at the 1997 General Board meeting was devoted to Aboriginal issues.

- Newly appointed Board members are provided with culturally specific information on the diversity of Aboriginal cultures, interviewing skills, release planning, and risk assessment.

- Regional orientation sessions for new Board members in the Prairies region have been modified to include two days of Aboriginal specific training.

- Several cultural workshops have been held for Appeal Division Board members including sessions on self-esteem and Aboriginal offenders as it relates to risk assessment; a practical knowledge of the realities of life on a reserve; the role of Elders, and ceremonies; and a session on Aboriginal institutional programming in the assessment of risk.

- Cro[illegible]ultural workshops for regional Board members and staff.

Liaison And Consultation: The Board is represented in meetings of regional councils established by CSC, and participates in on[illegible]ing contact with Aboriginal organizations and communities in most regions. Board members and staff visit Aboriginal communities to promote increased awareness and understanding of Aboriginal issues. Through exposure to ceremonies, Board members and staff are oriented to the cultures and traditions of their regional Aboriginal population, yielding greater understanding of the place of ceremonies and the role of Elders in Aboriginal offenders' healing.

ABORIGINAL PROGRAMS AND INITIATIVES - CSC

Aboriginal Offender Programs: The Act requires the Service to provide a range of programs to meet the needs of Aboriginal offenders, and to contribute to their reintegration into the community. The requirement has been addressed in national policy which sets out the conditions for developing and offering Aboriginal programs as an alternative to regular programs.

Core programs, (i.e. programs to address criminogenic factors most commonly appearing in offenders), are the priority in responding to the legislative requirement. To that end, an Aboriginal addictions' treatment program has been developed and established as an alternative to the regular addictions' treatment programs. Policy and treatment standards for sex offenders have been expanded to address the needs of Aboriginal offenders. Pilot programs, including one for Inuit offenders in the Prairie region, have been launched to develop a program that meets the treatment needs of Aboriginal offenders. A cognitive skills training program has been established as a key component of correctional treatment for a large proportion of inmates. Evaluation research has raised questions about the efficacy of the established program for Aboriginal offenders. In response, cognitive skills will be examined from an Aboriginal perspective and adjusted or redeveloped for Aboriginal inmates.

Aboriginal Employment: Representation of Aboriginal employees has increased since the late 1980s when employees who self-identified as Aboriginal were first counted in CSC's human resource system. The percentage representation has increased from 0.5% to 3.2%, while the absolute representation has increased from 48 employees in March 1987 to 366 in September 1996.

CSC has retained proportionately more Aboriginal employees since the proclamation of the CCRA than it had in the past. Seventy-nine percent (191 out of 239) of Aboriginal persons who were employed as either indeterminate or term employees of more than three months in September 1992 were still employed at CSC 4 years later, compared to 72% (96 out of 134) for the four-year period ending September 1992. Although this

retention is lower than the retention rate for all employees, (82.2%), the change for Aboriginal employees in that period (+8.3%) is greater than the change in retention rate for all employees (+5.0%).

Section 81 and 84 Initiatives: CSC's objective for sections 81 and 84 is to design an implementation program which would see the increased transfer of federally sentenced Aboriginal offenders to Aboriginal communities for the provision of correctional services under the authority of the Act.

The development of a process leading to the implementation of Section 81 began in August of 1995. Expenditures, for the Section 81 development have been approximately $350,000 for the 1995/96 and 1996/97 fiscal years. Expenditures include the cost of consultations with communities, a national workshop and the conduct of a number of section 81 feasibility studies. For implementation of section 81, CSC has decided to use agreements with Aboriginal communities as part of a strategy to develop and deliver more effective correctional services to Aboriginal offenders. Section 81 is not self-executing. It requires Aboriginal communities to propose community correctional projects. The framework was, therefore, developed as a community-driven approach to implementation and involves devolution of greater responsibility to Aboriginal people.

Currently, the Section 81 Framework is undergoing internal/external consultations. The CCRA has been designed to allow CSC to develop new care and custody arrangements, to be defined by Aboriginal communities who are willing to participate in the delivery of correctional services. The section 81 framework has been developed to ensure that all future agreements are consistent with the mission, objectives, and operating procedures of both CSC and Aboriginal communities.

The development of a section 84 strategy is being undertaken by the Service with a view to formalizing a general framework that will allow for increased involvement of Aboriginal communities in the delivery of correctional services for the Aboriginal offender. The resulting framework will accomodate variations particular to each Aboriginal community interested in accessing this provision. Preliminary discussions have occurred between the Service and one Aboriginal community concerning the utilization of section 84 and another Aboriginal community is currently supervising an offender which is consistent with section 84. Moreover, the Service has developed an interim policy with respect to section 84 that will be made available to CSC personnel in the first quarter of 1998.

Aboriginal Advisory Committee: Section 83 of CCRA requires that the Service maintain an Aboriginal Advisory Committee in order to obtain advice on the provision of correctional services to Aboriginal offenders. The Committee consults regularly with Aboriginal communities and other appropriate persons with knowledge of Aboriginal matters. The Service has maintained an Aboriginal Advisory Committee since 1972; however, the Committee's Terms of Reference have been revised to bring them in line with the requirements of the legislation. They are sufficiently broad to enable the Committee to address any correctional matter it deems relevant. The Chairperson of the Committee is selected by the members and the Committee has been organized into sub-committees to allow a more thorough examination of issues. The sub-committees address the following areas:

- contractual arrangements with Aboriginal communities and organizations for the provision of correctional services (s.81 CCRA);
- the recruitment and development of Aboriginal personnel;
- programs and services for conditionally released Aboriginal offenders;
- culturally valid treatment for Aboriginal sex offenders;
- Native liaison and Elder services; and
- Aboriginal female offenders.

Since its inception the Aboriginal Advisory Committee has proven to be effective in advising the Service on issues that impact on the Aboriginal offender that are rooted in policy or derive from the CCRA. Although the

CCRA does not speak to the establishment of regional Aboriginal advisory committees, the Services has entrenched internal policy which requires each correctional region to establish local Aboriginal advisory committees. To date all regions have established such committees.

Aboriginal Spirituality, Spiritual Leaders and Elders: The CCRA requires that Aboriginal spirituality, spiritual leaders and Elders have the same status as other religions and other religious leaders. Consultations with spiritual leaders and Elders engaged by the Service revealed that they did not wish the title of Chaplain, nor did they wish to be a part of the administrative structure that deals with the activities of Chaplains. CSC policy supports their separate identity, specifying that in their service to inmates, they must:

- be accorded the same status and compensation as Chaplains;
- be granted the same freedom of movement within institutions as Chaplains;
- be included as participants in case management deliberations;
- be extended the same support and privileges which are provided Chaplains; and
- be protected from the desecration of their sacred bundles by security procedures.

The Women's Healing Lodge: Okimaw Ohci (the women's healing lodge), is one of the 65 correctional institutions designated for men and women currently serving federal sentence. The Healing Lodge represents a new correctional approach to incarceration for Aboriginal federally sentenced women. The Lodge nestled in the Cypress Hills, on the Nekaneet Indian Reserve, has proved to be a successful integration of Aboriginal corrections and modern Canadian correctional philosophy.

At the Healing Lodge, programs and services for the residents promote responsibility and self-sufficiency by encouraging improved relationships between staff and offenders, and by promoting responsible behavior among offenders. All programs are based on the needs of Aboriginal women, such as issues associated with human health, sexuality, and physical, emotional, and substance abuse. These programs are addressed in a non-threatening environment and delivered by qualified Aboriginal facilitators. A key aspect of program delivery is the strong link to the larger Aboriginal community. Women are provided with opportunities to maintain contact with their children, and are provided with positive role models with whom they can share their life experience, and thereby work on individual healing. Many of these role models, such as Aboriginal staff, are women from the Nekaneet community who have a well-developed understanding of the needs of Aboriginal women.

The Healing Lodge can be viewed as the first stage in establishing the parameters for Aboriginal communities and new correctional initiatives for Aboriginal offenders. The Healing Lodge has set the "blueprint" for new practical approaches to the delivery of correctional programs and services for Aboriginal offenders, encouraging Aboriginal community involvement in the reintegration plan of Aboriginal offenders, and providing coordination for the myriad of tasks required to manage the sentences of Aboriginal offenders.

Pe Sakastew Centre: The Pe Sakastew Centre is a 60 bed facility with the capacity for 40 minimum security offenders and 20 day parolees. The facility is located on the outskirts of Hobbema, Alberta, a native community with a population of about 5000. The facility and program are the results of a joint initiative between the Government of Canada and the Samson Cree Nation.

The objectives of the facility are to assist in the successful reintegration of native male offenders through the offering of holistic and culturally sensitive programs. Community support was received during the design and construction of the facility and the support continues through the provision of programming and Elder services. The facility became operational in early 1997, and currently houses 18 offenders.

5.5.2 WOMEN OFFENDERS

The CCRA requires CSC to provide programs to address the needs of women offenders, and to consult regularly about these programs with appropriate women's groups and other appropriate individuals and groups with experience and expertise in working with women offenders. The Act also requires NPB to develop and implement policies which are responding to the special needs of women.

SUMMARY OF FINDINGS

The CCRA formalized measures to address the unique circumstances and challenges involving women in the federal correctional system. In particular, there was a need to address the fact that women had access to a limited range of programs and had been incarcerated at the Prison for Women, away from their families and home communities. CSC has taken action to address these issues. Institutions for women have been constructed or acquired in all regions. Programming has been redesigned to address women-specific needs and implementation of this programming is underway.

PROFILE OF WOMEN OFFENDERS - 1994/95 AND 1996/97

- Single offenders have increased as a proportion of the total populations.
- The proportion of women Aboriginal offenders and visible minorities increased slightly, but the proportion of Caucasian women offenders has decreased.
- Offences involving violence have increased - murder now represents about 21% of all offences with the increase situated in second degree rather than first degree murder. Schedule I offences represent 53%.
- Non-scheduled offences have decreased as a proportion of total offences, from 16% to 11%.
- There is a decrease in sentences under six years (from 62% to 59%) and an increase in life/indeterminate sentences (from 16% to 21%).
- There is a 7% increase in first-time federal offenders, and a similar decrease in offenders with two or more previous federal terms.
- There has been a slight decrease in the proportion of offenders on day parole and a similar increase in the proportion on full parole. Most women on conditional release are on full parole (78%).

Profile	% of Offenders[1] 1994	% of Offenders[2] 1997
Demographic		
Age 20-34 years	51.7	48.0
Single (includes separated, divorced, widowed, not stated)	57.3	67.0
Common-law	18.0	23.2
Married	13.3	9.8

[1] Basic Facts About Corrections in Canada - 1994

[2] EIS - Execu-view Report - May 27, 1997 & Offender Management System, CSC, May 27, 1997.

Race		
Caucasian	64.7	57.3
Aboriginal	18.0	21.9
Black	7.4	8.8
Asiatic	2.2	2.4
Other	2.5	5.4
Not stated	5.3	5.2

Serving a sentence for		
Murder	15.5	20.6
First-degree murder	4.6	4.8
Second-degree murder	10.8	15.8
Schedule I offence	47.4	53.3
Schedule II offence	21.1	20.0
Non-Schedule offence	16.1	10.9

Community Release Type		
Day Parole	15.8	14.7
Full Parole	75.3	77.6
Statutory Release	8.9	7.8

Sentence length		
Under 3 years	24.5	25.1
3-6 years	37.5	33.7
6-10 years	13.6	15.9
10 years +	8.7	4.8
Life/Indeterminate	15.8	21.2

Previous Terms Sentence of Incarceration (Federal)		
No previous term	74.3	80.9
1 previous term of incarceration	15.2	13.6
2 previous terms	5.0	3.9
3 previous terms	2.2	0.9
More than three previous terms of incarceration	3.4	0.6

BACKGROUND

Traditionally, women have comprised small proportions (2% - 3%) of offenders serving federal sentences, and have generally been incarcerated at the Prison for Women in Kingston, Ontario. As a result, federally sentenced women have generally been incarcerated away from their families and home communities, and have had access to a limited range of programming.

In 1989, the government set up a Task Force to review the overall situation of federally sentenced women, and to chart a new direction for dealing with these women. In April 1990, the report of the Task Force on Federally Sentenced Women was completed. The report from this Task Force, entitled "Creating Choices" was accepted by the federal government in 1990. Subsequently, CSC began work to implement the short and long-term recommendations of the Task Force.

The main recommendation of the Task Force was to close the Prison for Women and establish four regional facilities, and a healing lodge. For the shorter term, the Task Force made recommendations for improving programs at the Prison for Women, pending closure of the prison. As a result, enhanced programming was developed involving:

- Aboriginal counselling and elder services acquired through contract;
- increased substance abuse programs;
- survivors of sexual assault/abuse therapy;
- increased psychological services;
- a black women's liaison worker;
- funding ($100,000) to cover expenses for families who cannot afford to travel to Kingston to participate in private family visits; and
- paid long distance telephone calls to the offender's family members.

Transition programs were also implemented at the Prison for Women to prepare the inmates for the community living model at the regional facilities. These programs include independent living skills, and a problem-solving workshop.

DESIGNING PROGRAMS FOR WOMEN OFFENDERS

Section 77(a) of the CCRA specifies that the Service must provide programs designed to address the needs of women offenders. Prior to, and since the CCRA, much work has been done in this area.

Progress has been made in the last decade in assessing the program needs of women offenders. Overall, women have a different range and type of problems in their criminal behaviour than men. Environmental, situational, political, cultural and social factors experienced by women offenders, as well as physiological and psychological factors, are not the same as those experienced by men. There appear to be two main themes running through the literature on women offenders:

- There is an overwhelming consensus that, in most instances, women's criminal behaviour is largely associated with their backgrounds and life circumstances; and

- Correctional programs for women should not have discrete and exclusive areas of specialization, but rather should be multi-dimensional, holistic in nature.

Consistent with these themes, four major program for women have been identified:

Abuse/Trauma Issues: The high prevalence of violence in the lives of incarcerated women has only very recently been acknowledged. Surveys of federally sentenced women in Canada indicate that the majority of inmates are survivors of abuse and trauma in their families of origin, or with their intimate partners. A 1990 study found that 82% of the women surveyed at the Prison for Women, and 72% of the women surveyed inside provincial prisons reported being survivors of physical or sexual abuse. Abuse was found to be more widespread in the lives of Aboriginal women; overall, 90% reported physical abuse, and 61% identified sexual abuse. Approximately two-thirds of the federally sentenced women surveyed indicated that they want some type of program or counselling to work through abuse issues.

Education and Employment Skills: Women's offences are also linked to women's generally lower socio-economic circumstances which often include poverty, racism and violence. Most women offenders are poor and lacking in marketable skills. They often demonstrate dependence on welfare, alcohol and men; and, they are often single parents, solely responsible for child-care. Vocational programs for women offenders must provide quality training in work that is relevant to the job market, with a focus on jobs with potential to earn the woman a salary that will lead to economic independence.

Substance Abuse: Reviews of the literature on substance abuse treatment for women indicate that if the participants are to gain maximum benefit, treatment programs must target the specific needs of women, and reflect the realities of their lives. Research indicates that women are likely to have a different range and type of problems related to their use of substances than do male offenders. There is accumulating evidence that eating disorders, major affective mood disorders (depression), and a history of abuse, possibly related to post-traumatic stress disorder, are highly prevalent in women with substance abuse disorders. It should be noted that the physical impact of substance abuse is often worse for women than for men; that the serious physiological ailments caused, for example, by alcohol abuse, may occur with a lower level of consumption, or after shorter abuse history for women than for men.

Parenting: A 1990 survey found that two-thirds of federally sentenced women had children. Many of these women expressed concern over lost custody of one or more of their children and reported that contact with their children, regardless of their age, was essential to personal well-being. The majority of the Prison for Women population, and 40% of the provincial population indicated an interest in programs about children that would address issues of coping with parenting in prison, parenting from a distance, as well as early childhood development.

THE CORRECTIONAL PROGRAM STRATEGY FOR FEDERALLY SENTENCED WOMEN

In 1992/93, to assist in developing a program framework, CSC contracted for an evaluation of the therapeutic services provided at the Prison for Women, and a literature review on therapeutic services for women in prison. Based on the results of research and program evaluation, CSC developed the Correctional Program Strategy for Federally Sentenced Women. This framework strategy was developed to provide consistency for all programming in the new regional institutions for federally sentenced women. This strategy ensures that:

- programs respond to the needs of women offenders;
- program content and intensity is based on level of risk and need (criminogenic factors);
- programs are based on effective conceptual models; and
- follow-up and support programs are accessible in the community.

CORE PROGRAMS

Core programs address criminogenic factors (those factors which played a role in criminal behaviour) so that the offender's likelihood of re-offending is reduced. CSC's core programs for women are:

- living skills program;
- substance abuse programs;
- literacy and continuous learning programs; and
- survivors of abuse and trauma programs.

Living Skills Program: This group of programs is similar in scope to CSC programs for male offenders, but has been modified to meet the needs of women.

- The *Cognitive Skills Training* component addresses problem-solving skills and critical reasoning. The components are suitable for women but modifications were made to exercises and role plays to better reflect women's realities.

- The *Parenting Skills Program* was enhanced so that it focuses on more issues specific to women. It is mandatory for those inmates participating in the mother-child program.

- The existing *Leisure Education Program* and the *Community Integration Program* are delivered regionally. The *Leisure Education* program promotes health, wellness and nutrition. Recreational and

leisure activities and involvement with and in the community are also important foci for the new institutions.

Substance Abuse Program for Women: A unique program has been developed for women inmates. The substance abuse program acknowledges that each woman is her own best expert, and is based on the premise that learning to make well-informed choices and accepting the consequences of these choices is the key for women to take control of their lives. Rather than concentrating on the substance abuse problem and all the factors that reinforce it, this program focuses on the process of change itself. Programs based on this model typically produce lower initial success rates, followed by dramatic increases over time. The program also provides a framework for working in an integrated manner with both women who are ready to change their substance use and those who are not.

Literacy and Continuous Learning: Continuous learning is found in a number of settings (not just the traditional classroom) and is provided based on the employment and personal needs of women. Strong emphasis is placed on improving literacy and education levels, as training in these areas is essential to reintegrating women as law-abiding citizens.

Survivors of Abuse and Trauma: These programs are unique to women offenders. They assist women offenders to work through the violence that they have experienced. This includes childhood sexual abuse, sexual assault, partner abuse, etc. Use of the term "trauma" allows for consideration of different forms, intensity and duration of victimization that the women may have suffered. Programs use a variety of delivery methods, different intensity and duration and strong involvement of the local community.
Education/awareness programs as well as more in-depth "therapeutic" programs and follow-up support groups are offered. Although group work lead by experienced facilitators will be emphasised, individual therapy will be necessary for many women as experiences are often too difficult to share in a group setting.

REGIONALLY DEVELOPED PROGRAMS

A range of other programs and services will play an integral role in the program strategy for the new women's institutions, and in measures for successful reintegration of women offenders. The development and implementation of these programs are the responsibility of regions and institutions. Program areas include: multi-culturalism; peer support teams; recreation and leisure; vocational and educational training; and health (prevention and intervention). There are currently 32 federally sentenced women in provincial jails under an exchange of services agreement with the province of British Columbia. CSC maintains 30 beds at BCCW. BCCW's total offender population is about 90.

MOTHER AND CHILD PROGRAM

The development of a mother-child program has been recommended to provide mechanisms that foster and promote stability and continuity for the child in its relationship with its mother. The best interests of the child (physical, emotional, and spiritual) is the main consideration in all decisions relating to participation in the mother-child program.

ABORIGINAL WOMEN

Given the high representation of First Nations and Aboriginal women in prison, programs to meet the needs of women are being developed and offered. The Okimaw Ohci Healing Lodge, a new institution built as a result of recommendations in "Creating Choices", exemplifies programs offered for Aboriginal women. The role of the staff at Okimaw Ohci Healing Lodge is to assist the offenders to:

- restore their pride and dignity as women and mothers;
- restore a sense of worth, dignity and hope;
- rebuild their families and their communities;
- build bridges between Aboriginal and non-Aboriginal societies;
- promote the healing of the Earth and all her creatures.

Cultural, traditional and spiritual teachings are an integral part of the vision and philosophy of the Healing Lodge. The Aboriginal and First Nations women offenders have the opportunity to reclaim their history, their identity and their importance as women and caregivers. In order for the women to develop holistically, they are given the opportunity to work on their healing and deal with the effects of physical, sexual and emotional abuse. As well, the issues of racism, sexism, and lack of economical opportunities faced by Aboriginal and First Nations women are addressed and these women are given the opportunity to relearn about their culture, language and history in a manner that is sensitive to their needs.

The Healing Lodge offers all core programs in a manner that is culturally and gender sensitive. Using Aboriginal and First Nations facilitators is extremely beneficial in that the trust level between the facilitator and the group develops immediately. Smudging, talking circles and spirituality play an important role in the women's holistic healing and these practices are generally a part of the programs. Furthermore, cultural and spiritual teachings and practices play an important part in the holistic healing of the women and having these practices a part of all programs seems to help.

In order to provide effective services to the offender population, consultation with the offenders must occur. Aboriginal representatives have participated in almost every consultation that has occurred, but more in-depth consultation with specific Aboriginal women's groups, Aboriginal professionals, Elders and Healers will further enhance the development of programs to reflect the needs of Aboriginal and First Nations' women.

PROGRAMS FOR WOMEN IN MAXIMUM SECURITY UNITS

Between September 1996 and May 1997, CSC made the decision not to house women classified as maximum security in the regional institutions as it had become clear that these few women experienced a great deal of difficulty coping with the community-living approach that is the mainstay of the regional institutions. Consequently, small, completely separate and contained units have been opened in three men's institutions: Springhill Institution (Atlantic); Centre régional de réception (Québec); Saskatchewan Penitentiary (Prairies). The Ontario Region women are still housed at Prison for Women.

Programs in the maximum security units are designed to assist women to reintegrate in the regional facilities. The Correctional Program Strategy is the basis for all programs offered in the maximum security units. The population in these units is heterogeneous in the extreme, but there are at least three identifiable sub-populations:

- low functioning, who may have personal safety concerns in certain circumstances;
- those with moderate and severe mental health issues, both organic and non-organic;
- those who, by their behaviour and values, more closely reflect traditional maximum security.

The groups need programs independent of each other, to maximize personal growth (risk reduction) and to ensure personal safety. These women often have difficulties in relating appropriately to others and need training/experience to overcome these difficulties.

Programming is often impeded by the small numbers, which also mitigate against effective programming. Small numbers mean most women receive individualized assistance (e.g. school) and one-to-one counselling which is not ultimately desirable, nor in many instances, effective in helping to reduce risk.

The maximum security units provide more limited programming than is available at the regional institutions, however, the essential programs are offered where the women have expressed an interest (many have difficulty maintaining their interest and attendance). These include: substance abuse, education, cognitive

skills, survivors of abuse and trauma, Aboriginal and other spiritual services, anger management, occupational or art therapy, and counselling.

INTENSIVE HEALING PROGRAM

At the same time the maximum security units opened, CSC also established an Intensive Healing Program at the Regional Psychiatric Centre (Prairies). The program attempts to assist women to address those behaviours associated with borderline personality disorder.

In recognition that some women inmates had mental health needs beyond the capacity for intervention available in the new facilities, CSC contracted for an analysis of 26 women inmates who were thought to have mental health needs that could not be addressed under existing service levels in the new facilities. The report recommended an intensive healing program to address the needs of those women who exhibited a combination of *all* or *most* of the following behaviours: persistent and severe self-destructive behaviour; identity disturbance; depression; difficulty controlling anger; severe dissociation problems in intimate relationships; suicidality; severe anxiety; low self-esteem; and severe substance abuse. These women have traditionally been the most difficult to manage and their behaviours are often an impediment to programming aimed at reducing the risk of recidivism.

An Intensive Healing Program for women experiencing these difficulties was designed by CSC (no similar program has ever previously been offered either in CSC or to incarcerated women in any jurisdiction), and has been operational at the Regional Psychiatric Centre in the Prairies since September 1996. Treatment focuses on understanding and transforming the thoughts and behaviours that are the source of the women's problems. Key to reinforcing these transformations are the acquisition of the new skills and coping strategies. This happpens both formally through the program components and informally through interactions and the positive role modelling of behaviour by staff. Emphasis is placed on the present rather than the past, and on understanding the dynamics of interpersonal experiences that occur within the program. The Intensive Healing Program includes a comprehensive evaluation component.

CSC is working towards an extensive evaluation strategy for issues involving women offenders. An evaluation framework is being developed for the four regional institutions and the Healing Lodge. The new core programs developed nationally for women will be evaluated over the next two to three years, as will regionally developed programs. In fact, evaluation frameworks are being developed for the Peer Support Program, and the Substance Abuse Program.

CONSULTATION

The CCRA requires CSC to consult effectively about programs for women offenders. In response, CSC has developed and implemented a consultation strategy with three elements:

- **Program Specific Consultations:** CSC has carried-out extensive consultations on various programs and program elements such as: cognitive skills, Survivors of Abuse and Trauma; Mother-Child Program; and a Mental Health Strategy. These consultations resulted in revisions to program content and/or revisions to relevant policies and practices in CSC.

- **General Issue Consultations:** Numerous consultations have been held to identify program issues, and program delivery models, share information about program strategy and content, and provide information around key initiatives such as "Creating Choices". As an example, CSC met with 13 national women's organizations for a one day briefing session on a range of issues including CSC's new facilities for women.

- **Ongoing Consultation:** There have been, and will continue to be consultations between CSC and local and/or regional advisory committees and Citizen's Advisory Committees. Regional strategies have been established for the Edmonton and Truro Institutions because they will incarcerate women from more than one province. These committees draw upon representation from all sectors of the community, with emphasis on women's organisations.

  CSC also meets regularly with representatives of national voluntary organisations involved in women's issues including the Canadian Association of Elizabeth Fry Societies, the Status of Women, and the Aboriginal Advisory Council. The groups are kept informed of emerging issues and consulted on a broad range of issues such as programming, staffing, security and risk assessment.

5.5.3 HEALTH SERVICES

Health care within the CCRA means medical, dental and mental health care provided by registered health care professionals. The CCRA defines mental health care as the means of care of a disorder of thought, mood, perception, orientation or memory that significantly impair judgement, behaviour, the capacity to recognize reality or the ability to meet the ordinary demands of life.

The CCRA requires CSC to provide inmates with essential health care and reasonable access to non-essential mental health that will contribute to rehabilitation and successful reintegration in the community. The Act also indicates that:

- *the provision of health care shall conform to professionally accepted standards;*
- *at key points or events in an offender's sentence such as placement, transfer, administrative segregation, release preparation and supervision, the offender's state of health and health care needs must be taken into consideration before decisions are made;*
- *inmates must give voluntary and informed consent to treatment, and have the right to refuse treatment;*
- *inmates who choose to fast, and understand the consequences of fasting, shall not be force - fed by CSC; and*
- *offenders may participate in research projects, but only if they agree, and if an independent committee has reviewed the case and approved the project.*

The Act also requires that a registered health care professional visit the administrative segregation unit at last once a day.

SUMMARY OF FINDINGS

The CCRA provided the impetus, with program review, for redesign of the delivery of health services in CSC. The Act requires CSC to provide universal access to essential health services by inmates. Previously, CSC provided health services on demand.

In the new model, (primary health care model), delivery of services has been rationalized to ensure that the proper professional is hired and employed to do the proper job. That is, where nurses can perform health care duties for which they have been trained, they should do so. Also in this model, a significant responsibility for health rests with the offender. The offender is expected to make pro-health choices. Redesign of health care services has reduced cost and enhanced the quality of service delivery. Work is currently underway to continue the process of improvement.

FRAMEWORK FOR DELIVERY OF HEALTH SERVICES

The CCRA requirement to deliver "essential" health services provided CSC with a focus for changing its service delivery. The primary health care model of health services delivery was identified as having principles consistent with the intent of the CCRA.

Primary health care is considered to be essential health care made universally accessible to individuals through their full participation, and at a cost that the community and country can afford. It relies on an enhanced role for the nurse in first interventions where health care is being sought. By making the nurse the first point of contact and using his/her assessment capabilities to determine next steps, expensive physician time is reduced. The primary health care model also involves health promotion designed to instil responsible behaviours in clients in order to improve overall health and minimize preventable illnesses.

CSC traditionally provided health services to inmates on demand, regardless of the level of actual need. To meet the CCRA requirement, the provision of health services now respond to the needs, not the demands, of

inmates. Inmates are now expected to take responsibility for their own wellness, and to take steps to avoid and prevent illness.

To implement the new model, CSC had to clearly define what essential medical, dental and mental health services are. There was also a need for policy on the provision of non-essential services. The stipulation that reasonable access to non-essential mental [illegible]th services be provided to every inmate recognizes that in general, members of the offender population [illegible]ve substantial mental health needs related to their criminal behaviour that are not necessarily essential.

The mandatory registration of the professionals providing health services acknowledges the standard in communities across Canada. The CCRA stopped short of full compliance with community standards by not stipulating that the registration be in the province of practice.

The requirement that an offender's state of health and health care needs be taken into consideration in all decisions affecting the offender as well as in preparation for release and supervision recognizes the integral role of health service in the correctional environment and in the CSC case management process.

IMPLEMENTATION EFFORTS

In 1993, in response to a government-wide requirement for program review, a national committee of CSC health professionals was established to identify cost savings and program delivery improvements in health services. This committee recognized that a new paradigm for health service delivery was necessary to produce long-term cost savings and service improvements. The primary health care model was identified as appropriate to achieve program objectives, and to respond to CCRA requirements for provision of essential health care services to every inmate.

In the primary health care model, responsibility for health rests with the individual. In the CSC context, inmates would be responsible for taking care of themselves, and would be expected to contribute to their own wellness by making informed health choices. CSC would provide health care that an inmate needs (essential), which might be quite different than what the inmate wants. Needs would be determined through a clinical assessment performed by a nurse (saving physician time). Nurses would also be actively engaged in health promotion so that offenders would have the information they need to make good choices.

Numerous measures were taken for implementation. In combination, these measures for improvement resulted in estimated savings of $3 million annually or 4% of the health services budget. Policy was revised to reflect the primary health care paradigm, and provide policy direction for operational changes. Professional services were rationalized, resulting in more effective use of highly qualified health professionals. For example, it became evident that a substantial amount of work performed by dentists under contract with CSC, was performed by a dental hygienist in the community.

Inmate screening by a nurse before a visit to a physician was also introduced for medical services. Rationalization of services in these ways ensures that the appropriate professional is hired and used for appropriate work. Over-the-counter medications were introduced for sale in the inmate canteen with two-fold benefits. A cost savings has been realized because these medications were previously prescribed by the physician, which involved the physician's time for consultation, and pharmacy dispensing fees, and nurse's time to deliver the medications. The availability of these products emphasizes for offenders, that they are expected to take an active role in making pro-health choices.

The introduction of regional pharmacies has resulted in cost savings associated with central dispensing of pharmaceuticals, and negotiation of more favourable pricing through bulk purchasing. The establishment of regional pharmacies also provides more ready access to up-to-date management information for monitoring

the usage of pharmaceutical products (e.g., prescribing patterns, usage of certain categories of drugs such as psychotropics) and in general provides better opportunity to monitor adherence to the drug formularies.

The night nursing shift was eliminated only in institutions where the response time to outside emergency services was similar to that for the external community. The elimination of this shift has resulted in substantial cost savings and there has been no degradation of care to the inmates. There has also been no compromise in safety as it is mandatory that all correctional officers have up-to-date training in emergency first aid and Cardio Pulmonary Resuscitation (CPR).

The requirement that a registered health care professional visit each inmate in administrative segregation daily was examined by the Task Force Reviewing Administrative Segregation. The Task Force found no problem with compliance but made recommendations concerning mental health issues, specifically on ways to strengthen the role of the psychologist in the administrative review process. These were made in the context of the high prevalence of severe mental disorders among segregated inmates and the potentially harmful effects associated with the segregation experience. The recommendations deal with the roles and responsibilities of psychologists in assessing the mental health of inmates in administrative segregation rather than the requirement that a health professional make a daily visit to each inmate in administrative segregation.

PLANNED ACTION

A study is currently planned to support additional improvements in delivery of health services. This will include a review of the policy and procedure to ensure that these documents adequately and appropriately reflect the legislative mandate, and to ensure that staff are provided with detailed criteria to assist them in providing daily delivery of health services that are consistent with legislation and from region to region. This study began in December 1997 and the anticipated completion will be early summer 1998.

This study will provide the basis for the development of national standard practices for the various areas of health services. This standardization will provide consistency in health services delivery across regions and allow the application of a funding formula. It will also provide the standardization required to implement an automated offender health information system.

6. CONCLUDING REMARKS

On November 1, 1997, the CCRA reached its fifth anniversary as legislation which consolidates corrections and conditional release in Canada. The Act, however, extends well beyond consolidation, in fact, integrating law, policy, and operations within a broad strategic framework with clear purpose and principles designed to:

- enhance public safety and protection;
- increase openness and accountability;
- ensure fair processes and equitable decisions; and
- address the needs of special groups of offenders.

The CCRA is complex by necessity, reflecting the breadth and scope of issues which it governs and the principles on which it is founded. In practice, the Act governs the operations of federal corrections and conditional release, extending from the safe care and custody of offenders in federal institutions to the risk assessment processes, and risk management strategies which determine the timing and conditions for return of offenders to the community, and for maintenance of offenders in the community. Operational considerations which emphasize public safety must also recognize Charter issues, including the duty to act fairly, as well as cultural diversity, ethnicity and issues of gender. Consistent with concerns for fairness and equity, the Act establishes the Office of the Correctional Investigator as an ombudsman for offenders.

As a further challenge, the Act attempts to enhance the openness and accountability of corrections and conditional release. In this context, it establishes provisions which recognize the role of victims and provides mechanisms which victims and others, such as the media and the general public can use to gain access to information about the National Parole Board and its decisions, and corrections in general.

When the CCRA was introduced in 1992, it included provisions for review by a parliamentary committee after five years. This report is intended to provide information to support the review. Based on information in the report, it appears that federal systems of corrections and conditional release are working effectively – not perfectly, but effectively.

The CCRA is clearly a key pillar in correctional effectiveness. The Act also appears to be working well, providing a meaningful framework for policy, training and operations. While the Act appears to be working relatively well, it is expected that parliamentary review will contribute significantly to the process of ongoing improvement, and continue Canadian standards of excellence in corrections and conditional release as we approach and begin the millenium.